

**WELWYN HATFIELD BOROUGH COUNCIL
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

DELEGATED APPLICATION

Application No: 6/2019/0629/HOUSE
Location: The Warren 8 Carbone Hill Northaw Potters Bar EN6 4PL
Proposal: Erection of boundary fence, hedge, brick piers and gates following the removal of existing fence and entrance gates
Officer: Ms Emily Stainer

Recommendation: Refused

6/2019/0629/HOUSE

Context	
Site and Application description	<p>The Warren is located on the south east side of Carbone Hill which is a classified "C" road. The site comprises a large detached dwellinghouse set approximately 15 metres from the frontage, behind established boundary planting and a U-shaped gravel driveway. A triple detached garage is situated to the north east of the main dwelling. The surrounding area and street scene are semi-rural in character consisting of large detached dwellings of individual design set within generously proportioned and spacious plots which form ribbon development to the west of Cuffley.</p> <p>Permission is sought for the erection of a boundary fence, hedge, brick piers and gates following the removal of existing fence and entrance gates. This application follows a previous application which was approved under reference 6/2018/3158/HOUSE. The following amendments have been introduced:</p> <ul style="list-style-type: none"> - Additional intermediate facing brick piers. - Facing brick wall to either end of the boundary.
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Northaw Great Wood) - Distance: 0 LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0 PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 59.28 Wards - Northaw & Cuffley - Distance: 0 A4D - ARTICLE 4 DIRECTION - Distance: 59.28 WILD - Home Wood (Cuffley) - Distance: 0</p>
Relevant planning history	<p>Application Number: E6/1955/0459/ Decision: Granted Decision Date: 19 May 1955 Proposal: Additional vehicular access Application Number: E6/1973/0791/ Decision: Refused Decision Date: 30 April 1973 Proposal: Two storey chalet extension to outbuilding to form old persons annex.</p>

	<p>Application Number: E6/1973/3715/ Decision: Refused Decision Date: 07 September 1973 Proposal: Two storey side extension</p> <p>Application Number: E6/1973/5564/ Decision: Granted Decision Date: 12 February 1974 Proposal: Two storey side extension.</p> <p>Application Number: S6/1974/0495/ Decision: Granted Decision Date: 19 August 1974 Proposal: Basement extension</p> <p>Application Number: S6/1992/0144/FP Decision: Granted Decision Date: 21 April 1992 Proposal: Extensions and alterations to existing dwelling; alterations to vehicular access</p> <p>Application Number: S6/1993/0226/FP Decision: Granted Decision Date: 10 May 1993 Proposal: Alterations to elevations and new front porch (re-submission)</p> <p>Application Number: S6/1993/0132/FP Decision: Refused Decision Date: 13 May 1993 Proposal: Erection of detached triple garage</p> <p>Application Number: S6/2013/2225/FP Decision: Refused Decision Date: 20 December 2013 Proposal: Extensions and alterations to existing dwelling to include front and rear two storey extensions, and first floor balcony</p> <p>Application Number: S6/2014/1982/FP Decision: Granted Decision Date: 03 November 2014 Proposal: Erection of single storey rear extension and new porch following demolition of existing sun room</p> <p>Application Number: S6/2014/2447/LUP Decision: Granted Decision Date: 10 December 2014 Proposal: Certificate of lawfulness for the proposed erection of a single storey side and two storey rear extension</p> <p>Application Number: S6/2015/0331/FP Decision: Granted Decision Date: 15 April 2015 Proposal: Erection of single storey front extension</p>
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	<p>Application Number: 6/2017/0430/LAWE Decision: Refused Decision Date: 17 May 2017 Proposal: Certificate of lawfulness for existing outbuilding to be ancillary to the existing dwelling</p> <p>Application Number: 6/2018/2084/HOUSE Decision: Granted Decision Date: 05 October 2018 Proposal: Retrospective erection of garden store</p> <p>Application Number: 6/2018/3158/HOUSE Decision: Granted Decision Date: 18 February 2019 Proposal: Erection of boundary fence, laurel hedge, brick piers and double gates following the removal of existing fence and entrance gates</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Neighbour notification letters		
Summary of neighbour responses	None		
Consultees and responses	<p>Northaw & Cuffley Parish Council – No objection</p> <p>Hertfordshire Transport Programmes & Strategy – No objection to the grant of approval subject to recommended conditions and informatives that the applicant is required to carry out in accordance with the provisions of the Highway Act 1980.</p>		
Relevant Policies			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" type="checkbox"/> GBSP1 <input type="checkbox"/> GBSP2 <input type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Others RA10 Landscape Regions and Character Areas <u>Draft Local Plan Proposed Submission August 2016</u> SP1 Delivering Sustainable Development SP3 Settlement Strategy and Green Belt Boundaries SP9 Place Making and High Quality Design SP25 Rural Development SADM11 Amenity and Layout SADM16 Ecology and Landscape SADM34 Development within the Green Belt			
Main Issues			
<i>Green Belt</i>			
<p>The application site is located within the Metropolitan Green Belt. National Planning Policy Framework 2019 (NPPF) paragraph 145 outlines that the construction of new buildings in the Green Belt should be regarded as inappropriate development apart from a limited number of exceptions. The term 'building' is not defined in the NPPF but the definition in the Town and Country Planning</p>			

Act 1990 refers to 'any structure or erection'. As a result, it is considered that the proposed wall, fence, piers and gates should be treated as a 'building' for the purposes of the NPPF.

The Council's Saved and Emerging Local Plan do not deal with the erection of gates, walls or other similar boundary treatments. Paragraph 25.12 within the justification section of Policy SADM34 (Development within the Green Belt) of the Emerging Local Plan states that: "*Proposals for new free-standing incidental buildings sited more than 5 metres from the main building will be considered against the policy for new buildings in the Green Belt, not as extensions to existing buildings due to the separation between the built structures and the resulting lack of proximity*". The proposed gates and supporting walls and piers would be separated from the main dwelling by a minimum of 8.5 metres. Whilst the term 'incidental building' would not include the proposal, this approach supports the case that boundary treatments of the type proposed should be treated as new building and not as extensions to a main building.

Paragraph 145 of the NPPF explains that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, apart from a limited number of exceptions. One of these exceptions (exception d) is '*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*'. The application site feature a carriage driveway with its two accesses fronting onto Carbone Hill. Both accesses currently feature a traditional 'five-bar' gate. The remainder of the site frontage is defined by a timber picket fence, measuring approximately 1 metre in height. The visual impact of the picket fence is softened by mature planting which is visible between and above the picket fence, as well as in front of it places. In comparison, the proposed fence would be of a solid 'close boarded' design and 50% taller, being 1.5 metres in height. The proposed gates would measure up to approximately 1.9 metres at their highest point in the centre, whilst the intermediate piers would measure 1.575 metres in height. The facing brick walls would rise to 1.65 metres high and the two taller brick piers at either end of the frontage would measure approximately 1.85 metres in height. This comparison clearly demonstrates that the replacement building would be materially larger than the one it replaces. Consequently the proposal does not fall within exception d, or indeed any other exception, but is inappropriate development in the Green Belt.

When drawing a comparison between the previously approved scheme and the new scheme, the scale and height of the development proposed would still result in a building which is materially larger than that which could be implemented under the extant permission.

Concluding on the above, it is considered that the development would not qualify under any exceptions to inappropriate development in the NPPF or Development Plan. As such, the development represents inappropriate development in the Green Belt in conflict with Policy GBSP1 of the District Plan, Policy SADM34 of the Emerging Local Plan and the NPPF.

Openness of Green Belt

Paragraph 133 of the NPPF explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The curtilages of dwellings have a role to play in keeping land open.

There is no definition of openness in the NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. Whilst the physical presence of any above ground development would, to some extent, diminish the openness of the Green Belt regardless of whether or not it can be seen, openness also goes beyond physical presence and has a visual aspect. In the visual sense, openness is a qualitative judgement.

Indeed, in line with the 2016 *Turner v Secretary of State and East Dorset Council* judgement the concept of openness should not be limited to a volumetric approach comparing the size, mass and

physical effect of openness before and after development. Such an approach would be far too simplistic and ignore the wider aspects of openness which goes beyond the physical effect of buildings or structures. Factors relevant include how built up the Green Belt is now and how built up would it be after development has taken place. In *Samuel Smith Old Brewery (Tadcaster) Oxtan Farm v North Yorkshire County Council & Anor* [2018] the visual impact of the scheme was considered as important as its “spatial” effects. Paragraph 38 of the judgement affirms that to exclude visual impact, as a matter of principle, from a consideration of the likely effects of development on the openness of the Green Belt would be artificial and unrealistic. A realistic assessment will often have to include the likely perceived effects on openness, if any, as well as the spatial effects.

In the present case, the application site is notable for its openness and verdant character. The existing five bar gates and picket fence are lightweight timber structures which are quite unobtrusive and do not appear out of place within the site and its setting. In contrast, brick piers and walls would introduce more solid elements of substantial construction. The proposal would result in an increase in the physical presence of buildings on the site and, in addition, would read as intrusive features, of domestic and urban character, within its immediate sylvan setting. The proposal would therefore markedly change the character and appearance of the site and degrade the site’s openness, particularly visually, to a considerable degree.

Purposes of the Green Belt

In addition, Paragraph 134 of the NPPF sets out the five purposes of including land in the Green Belt. These include safeguarding the countryside from encroachment. Whilst the development would be within the residential curtilage of the application property, the property occupies only a relatively small portion of site. The fence, walls and piers would extend across the full width of the site frontage measuring 135 metres. Whilst the dwelling can be seen to occupy the site between the two points of access, the proposed fence, walls and piers would extend beyond the site access to the west 56 metres and the east by 32 metres. These areas currently read as wooded countryside when viewed from Carbone Hill. The proposed development increases the built urban form within this area resulting in an encroachment of development into the countryside, conflicting with the purposes of including land within the Green Belt. This view is consistent with appeal ref: APP/C1950/D/13/2190944 for 63 The Ridgeway, in which the Inspector found that although a wall was within the curtilage of the dwellinghouse, the development still resulted in encroachment due to the increased built urban form.

Is the development within a Conservation Area?

Yes No

Would the significance of the designated heritage asset be preserved or enhanced?

Yes No N/A

Comment (if applicable):

Would the development reflect the character of the area?

Yes No

Comment (if applicable):

Local Plan Policies D1 (Quality of Design) and D2 (Character and Context) aim to ensure a high quality of design and that new development respects and relates to the character and context of the area in which it is proposed. These policies are expanded upon in the Council’s Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed with regard to its bulk, scale and design and how it harmonises with the existing buildings and surrounding area. These policies are broadly consistent with Policy SP9 of the Emerging Local Plan.

The NPPF advocates high quality design and that permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area the way it functions, taking into account any local design standards or style guides in plans

or supplementary planning documents.

Carbone Hill runs through an area which is semi-rural and sylvan in character. Dwellings are generally set back from the main road and there is a strong presence of mature trees and vegetation bordering both sides of the road. The front boundary of many properties are predominately open or well landscaped. Overall, the street scene possesses a verdant and spacious character.

The existing site frontage includes a boundary fence measuring approximately 1 metre in height and two timber gates. It is also densely screened with trees and shrubs, which limit views into the site. The proposed close boarded fence would be 1.5 metres high, with a 1.2 metre hedge running along the front of it. The hedge would be mixed native consisting of species such as field maple, hornbeam, hawthorn and beech which assist in not only softening the appearance of the hard-boundary treatment, but also contribute to the character of the street scene.

The metal gates would measure approximately 1.9 metres at their maximum height but would be set back from the front boundary which helps to reduce prominence to a degree, as does their relative lightweight appearance compared to gates of a more solid design.

The height and design of the brick piers and walls would however be at odds with the predominantly open landscaped character of the street scene. The structure cumulatively represent a grandiose urban feature along the entire site frontage - emphasised by the extent of solid and bulky piers, walls, connecting fence and overall scale. For these reasons, it is considered to be a prominent and visually intrusive feature in the area.

The existence of substantial built boundary treatments within the immediate area does not demonstrate that this type of development is worthy of repetition, in fact, quite the opposite. Repetition of this form of development would have a deleterious effect on the character of the area and would transform the spacious landscaped street scene to a more urban environment. Notwithstanding that each proposal is considered on its own merits, the development proposed would alter the character of the area such that it would be difficult to resist proposals for similar structures within the vicinity.

Taking account of the above, the development which has been constructed, by virtue of its scale and appearance, would not be in keeping with its semi-rural surrounds. It would appear as an incongruous addition to the locality forming a visually intrusive feature to this area. Harm to the semi-rural character and appearance of the area would result in conflict with the above policies.

Would the development reflect the character of the dwelling?

Yes No N/A

Comment (if applicable): See above.

Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)

Yes No N/A

Comment (if applicable):

The proposal would not have any harmful impact on the living conditions of the adjoining occupiers of neighbouring properties.

Access, car parking and highway considerations

Comment (if applicable):

The Highway Authority has commented previously on a similar application (6/2018/3158). The proposed alterations are not considered by the Highway Authority to obstruct views, and therefore it is unlikely that the development will result in a material detrimental impact to highway capacity or safety.

Any other issues

Very special circumstances (VSC)

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The structure would represent inappropriate development in the Green Belt and result in a loss of Green Belt openness for which substantial weight is attached. Considerable weight is also attached to the harm caused by the development to the character and appearance of the area. No very special circumstances have been advanced to clearly outweigh the harm which would arise from the proposal.

The application follows a previously approved application under reference 6/2018/3158/HOUSE. In this case the proposal was found to be inappropriate development in the Green Belt, but it was considered that very special circumstances existed by virtue of the proposed mixed native hedge running along the frontage, softening the appearance of the proposed fence.

Likewise, in the present case, the harmful effect of the fence would be largely mitigated by the proposed landscaping. However, the harmful effects of the brick piers and walls, together with the cumulative impact of the development proposed, would not be mitigated to any significant degree by landscaping or any other measure.

The VSC necessary to justify the development do not exist in this case.

Conclusion

The structure represents inappropriate development in the Green Belt and causes a loss of Green Belt openness. In addition to this harm, there is also conflict with a purpose of including land in the Green Belt in that the development would fail to assist in safeguarding the countryside from encroachment. Consequently, the development fails to accord with Policy GBSP1 of the Welwyn Hatfield District Plan 2005; Policy SADM34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

The structure, by virtue of its height, width and appearance, represents a visually intrusive feature, severely detracting from the semi-rural character and appearance of the area. The development fails to accord with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005 (Statement of Council Policy), Policy SP9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

Reasons for Refusal:

1. The proposal represents inappropriate development in the Green Belt and causes a loss of Green Belt openness. In addition to this harm, there is also conflict with a purpose of including land in the Green Belt in that the development would fail to assist in safeguarding the countryside from encroachment. Consequently, the development fails to accord with Policy GBSP1 of the Welwyn Hatfield District Plan 2005; Policy SADM34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

2. The structure, by virtue of its height, width and appearance, represents a visually intrusive feature, severely detracting from the semi-rural sylvan character and appearance of the area. The development fails to accord with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005; Policy SP9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

REFUSED DRAWING NUMBERS

Plan Number	Revision Number	Details	Received Date
SP3B		Block Plan as Proposed	15 March 2019
SP4C		Existing And Proposed Elevations	15 March 2019
LAP1A		Location Plan	15 March 2019
SP2A		Block Plans as Existing	15 March 2019

POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Determined By:

Mr Mark Peacock
10 May 2019