

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

**DELEGATED APPLICATION**

**Application No:** 6/2019/2165/HOUSE  
**Location:** Just House Coopers Lane Northaw Potters Bar EN6 4NJ  
**Proposal:** Erection of front garden dwarf wall with steel railings and electric gates and installation of two new accesses following removal of existing  
**Officer:** Ms Lucy Hale

**Recommendation:** Refused

6/2019/2165/HOUSE

<b>Context</b>	
<b>Site and Application description</b>	<p>The application site is located on the west side of Well Road close to its intersection with Coopers Lane, Cuffley and comprises a two storey detached dwelling which is set back from the front site boundary by approximately 11m. The site has an irregular shaped plot with two vehicular accesses directly off Well Road. The area is characterised by large dwellings on substantial plots with spacious open surrounds.</p> <p>The site is located within the Metropolitan Greenbelt and a Landscape Character Area (Northaw Common Parkland) and it is adjacent to Spinney Cottage, which is a Grade II Listed Building situated immediately to the north of the application property.</p> <p>The application seeks planning permission for the erection of front garden dwarf wall with steel railings and electric gates and relocation of existing accesses and dropped kerbs. This application follows a previous planning application that was refused under reference 6/2018/1737/HOUSE. The following changes have been made:</p> <ul style="list-style-type: none"> <li>- Reduction in height of gates of 1 metre</li> <li>- Minor design alterations to include minimal changes to the colour of the boundary treatment and design of the gates</li> </ul> <p>It should be noted that this proposal is an identical proposal to the latest submission of application reference 6/2019/0276/HOUSE.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>GB - Greenbelt            LCA - Landscape Character Area (Northaw Common Parkland)            PAR - PARISH (NORTHAW AND CUFFLEY)            Wards - Northaw &amp; Cuffley            HPGU - Northaw Place            LBC - LISTED BUILDING Former bakery, now cottage. Large C17 bakers - Distance: 11.53</p>
<b>Relevant planning history</b>	<p>Application Number: 6/2019/0276/HOUSE            Decision: Refused            Decision Date: 11 April 2019</p>

	<p>Proposal: Erection of front garden dwarf wall with steel railings and electric gates and installation of two new accesses following removal of existing</p> <p>Application Number: 6/2019/0737/LAWP  Decision: Refused  Decision Date: 23 May 2019  Proposal: Certificate of lawfulness for an outbuilding</p> <p>Application Number: 6/2019/0918/HOUSE  Decision: Refused  Decision Date: 11 June 2019  Proposal: Formation of a new vehicular access following removal of existing close boarded boundary fence and erection of post and rail boundary fence and hedge with timber gate</p> <p>Application Number: 6/2019/0605/HOUSE  Decision: Refused  Decision Date: 25 June 2019  Proposal: Alteration to roof design</p> <p>Application Number: 6/2019/1297/LAWP  Decision: Refused  Decision Date: 09 August 2019  Proposal: Certificate of lawfulness for an outbuilding</p> <p>Application Number: 6/2018/2678/HOUSE  Decision: Granted  Decision Date: 12 February 2019  Proposal: Erection of a first floor extension</p> <p>Application Number: 6/2018/2216/HOUSE  Decision: Granted  Decision Date: 11 October 2018  Proposal: Erection of first floor rear extension</p> <p>Application Number: 6/2018/1737/HOUSE  Decision: Refused  Decision Date: 06 September 2018  Proposal: Installation of front garden dwarf wall with steel railings and electric gates including relocation of the existing entrance and existing drop kerbs</p> <p>Application Number: 6/2018/1451/HOUSE  Decision: Refused  Decision Date: 14 August 2018  Proposal: Erection of first floor extension</p> <p>Application Number: 6/2018/0493/HOUSE  Decision: Granted  Decision Date: 17 May 2018  Proposal: Erection of single storey side extension by converting garage area into habitable space</p> <p>Application Number: 6/2017/2853/HOUSE  Decision: Granted  Decision Date: 17 May 2018</p>
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	<p>Proposal: Erection of garage in front garden</p> <p>Application Number: S6/2003/0554/FP  Decision: Granted  Decision Date: 26 June 2003  Proposal: Erection of a single storey rear extension and replacement of existing side extension</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	Site Notice Display Date: 17 September 2019 Site Notice Expiry Date: 8 October 2019 Press Advert Display Date: 25 September 2019 Press Advert Expiry Date: 9 October 2019		
<b>Summary of neighbour responses</b>	None		
<b>Consultees and responses</b>	<p><b>Hertfordshire County Council Transport Programmes &amp; Strategy</b> –  Objection: ‘The proposed changes to the access by nature of limited visibility, gate position and proposed mitigation, will adversely affect the safety of traffic on the public highway and interfere with the free and safe flow of traffic locally. Proposals are contrary to Hertfordshire County Council LTP 4 Policy 5 (g).’</p> <p><b>Hertfordshire County Council Historic Environment Advisor</b> – No comment</p> <p><b>The Gardens Trust</b> – Objection: ‘Our previous comments on the inappropriateness of the urban design of the gates and railings, also apply to this application. This is a rural village-edge area where the topography and historic development of the estates at Northaw and Nyn Park have given rise to a landscape of designed views but with an emphasis on the natural over the formal. Well Road is a rural thoroughfare and should be respected as such. Suburban boundary designs of the type illustrated in this application are irrelevant to this situation. We would welcome a more sympathetic boundary treatment, in keeping with the historic and rural nature of the area.’</p> <p><b>Place Services, Essex County Council</b> – Comment: ‘Whilst the key elements of the listed building’s settings are preserved, the addition of an incongruous boundary treatment within the streetscene does impact the rural characteristics of their settings. The design as proposed is considered to be unsympathetic and detracts from the settings of the listed buildings. There is a low level of less than substantial harm caused to their significance, as per paragraph 196 of the NPPF.’</p> <p><b>Northaw &amp; Cuffley Parish Council</b> – Comment: ‘The design of the gates and railings are out of keeping with the local area and we would prefer a more fitting design for this green belt site.’</p> <p><b>The Ramblers’ Association</b> – Comment: ‘There should be no effects on the adjacent public footpath (PFP Northaw &amp; Cuffley 4) or access to and along it, either during works or afterwards.’</p>		

## Relevant Policies

NPPF  
 D1  D2  GBSP1  GBSP2  M14  
 Supplementary Design Guidance  Supplementary Parking Guidance  Interim Policy for car parking and garage sizes  
Others: D5, D8, RA10

### Draft Local Plan Proposed Submission August 2016

SP3 Settlement Strategy and Green Belt Boundaries

SP9 Place Making and High Quality Design

SP25 Rural Development

SADM2 Highway Network and Safety

SADM11 Amenity and Layout

SADM12 Parking, Servicing and Refuse

SADM16 Ecology and Landscape

SADM34 Development within the Green Belt

## Main Issues

### Green Belt

The application follows a previously refused application under reference 6/2018/1737/HOUSE. The application was refused for the following reason: *'The proposed boundary treatment and gates would represent inappropriate development in the Green Belt and would result in a significant loss of Green Belt openness. No very special circumstances exist to clearly outweigh this harm. Also, the proposal, by reason of its siting, height and span, would fail to respect or relate to the existing character and visual amenity of the immediate locality. This fencing therefore fails as a minimum to maintain the character of the existing area. Consequently, the proposed development fails to accord with Policies GBSP1, D1 and D2 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005, Policy SADM34 of the Draft Local Plan Proposed Submission 2016 and the National Planning Policy Framework 2018.'*

#### *Appropriateness of development*

While the NPPF does not define the term 'building', the Town and Country Planning Act 1990 as amended describes 'a building' as including 'any structure or erection'. As a result, it is considered that the proposed wall, railings and gates should be treated as a 'building' for the purposes of the NPPF.

Paragraph 143 of the NPPF outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 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 existing site benefits from an approximately 1.1 metre high timber and wire link fencing. The application seeks planning permission to replace the existing boundary treatment with a 2 metre high boundary treatment comprising a 1.8 metre high iron railings above a rendered dwarf wall, together with 2.3 metre high pillars at their highest point. There are two gates proposed which would measure approximately 2.5 metres high at the tip by approximately 3.4 metres wide.

	<p>The proposed gates have been reduced by approximately 1 metre. Minor design alterations have been made to the gates however these are not considered to have significantly changed the scale for the proposal. The scale of development proposed would be extensive and materially larger than the existing fence. As a result the proposal is inappropriate development in the Green Belt contrary to both local and national planning policy.</p> <p>In addition, drawing no.AR/A3/006 outlined the boundary treatment to sit in front of the boundary hedge. The new elevational streetscene drawing shows planting in front of the boundary treatment, however, the proposed site plan has not been amended from the previous plan. This suggests the siting of the boundary treatment would remain and new soft landscaping proposed in front. As the proposal is located along the red line of the site, the area in front of the boundary treatment falls outside of the ownership of the applicant within Hertfordshire County Council Highway Land. Insufficient information has been submitted to assess this part of the proposal.</p> <p><i>Openness</i></p> <p>The NPPF indicates that the essential characteristics of Green Belts are their openness and permanence. It seeks to keep land free from built development and the curtilages of dwellings have a role to play in keeping land open.</p> <p>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. Factors relevant include how built up the Green Belt is now and how built up would it be after development has taken place and should include the likely perceived effects on openness, if any, as well as the spatial effects.</p> <p>The scale of development proposed would reduce the visual permeability of the Green Belt by reason of its physical presence. In addition, it is considered that the design, height, span and siting of the proposed boundary treatment and gates would markedly change the character and appearance of the site and the surrounding area, resulting in a more intrusive form of development and the perception of a more developed site. The proposal would therefore result in significant harm to the openness of the Green Belt.</p> <p><i>Conclusion on Green Belt</i></p> <p>The proposal fails to overcome the previous reasons for refusal under application reference 6/2018/1737/HOUSE. The proposed development would result in harm to the Green Belt by reason of inappropriateness and loss of openness. In accordance with Paragraph 143 of the NPPF substantial weight should be afforded to this harm.</p>
<p><b>Design (form, size, scale, siting) and Character (appearance within the</b></p>	<p>Policy D1 requires the standard of design in all new development to be of a high quality and Policy D2 requires all new development to respect and relate to the character and context of the area in which it is proposed. It notes that development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area. Policy</p>

<p><b>streetscene)</b></p>	<p>GBSP2 states that ‘within the specified settlements development will be limited to that which is compatible with the maintenance and enhancement of their character’. The Welwyn Hatfield District Plan Supplementary Design Guidance (SDG) supplements the policies contained in the District Plan. Under the SDG the Council requires that extensions should be designed to complement and reflect the design and character of the dwelling and be subordinate in scale.</p> <p>The streetscene is characterised by reasonably large detached properties with irregular building lines and relatively open frontages. There is a mix of open landscaping, low wooden and wire fences and hedging along the front boundaries. There are no front gates in the immediate vicinity.</p> <p>The proposal would result in front boundary railings which would be significantly higher than others along the street and the gates would add to its prominence in the street scene. Where there are boundary treatments in place along the street, these are limited to low set timber fencing, wire fencing and a short span of brick wall set back from the public highway and reflective in terms of scale and siting of the existing dwelling and the character and appearance of the area.</p> <p>In considering the design and siting of boundary treatments a balance has to be struck between privacy, safety and security on one hand and aesthetic considerations on the other. The need for security does not outweigh other relevant considerations such as visual impact and effects on local amenity.</p> <p>Overall, the height and span of the proposed railings and gates together with its high level of discernibility, would fail to respect or relate to the existing character and visual amenity of the immediate locality. Such an enclosed frontage sets an undesirable precedence that would be detrimental to the open and rural character of the area. The development would fail as a minimum to maintain the character of its area, contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, the Supplementary Design Guidance 2005 and the NPPF.</p>
<p><b>Impact on neighbours</b></p>	<p>The proposal would not have any harmful impact on the living conditions of the adjoining occupiers of neighbouring properties.</p>
<p><b>Access, car parking and highway considerations</b></p>	<p>The previous application under reference 6/2018/1737/HOUSE was refused for the following reason:</p> <p><i>‘The proposed gates and accesses by virtue of their siting and location would have significant harmful impact on the safety of the adjoining public highway. Furthermore, the proposal would result in substandard pedestrian visibility splays and would not meet the minimum standard of 2.4m x 66m. The proposal is therefore contrary to Policies D1 and D5 of the Welwyn Hatfield District Plan 2005 and Policy SADM 2 of the Draft Local Plan Proposed Submission August 2016.’</i></p> <p>Hertfordshire County Council Highways Authority have been consulted on the application and outline that the drawings remain unchanged from the previous application reference 6/2018/1737/HOUSE and the objection on highway safety remains.</p> <p>The location of the gates remains 1m from the edge of the highway which would result in vehicles waiting on the highway for the gates to be opened. Highways have outlined that 5.5m should be allowed for inward gates to avoid waiting vehicles obstructing traffic and pedestrians on the footpath.</p>

	<p>Furthermore, the visibility of the proposed access would be substandard and would not meet the required visibility splay of 2.4m x 66m on a 40mph highway. Highways outline that the boundary treatment prevents this requirement from being satisfied.</p> <p>In addition, Highways have outlined that the proposal for convex mirrors, flashing lights and a camera with remote access would not overcome the concerns raised and would be unacceptable.</p> <p>The proposal is unacceptable in terms of highway safety as the proposed boundary treatment has not been designed to allow the safe and suitable means of access and would impact negatively on the safety of the adjoining highway contrary to Policies D1 and D5 of the Welwyn Hatfield District Plan 2005 and the Policy SADM2 of the Draft Local Plan Proposed Submission August 2016.</p>
<p><b>Listed Buildings and Landscape Character Area</b></p>	<p>The site is located adjacent to Spinney Cottage a grade II listed cottage and to the south west of the site is the grade II* listed Northaw Place and grade II garden wall. To the south east of the site is the grade II listed Northaw House and its associated grade II listed stables. The streetscene along Coopers Lane and Well Road forms an element of the settings of the listed buildings. The site is located within the Landscape Character Area of Northaw Common Parkland.</p> <p>The rural streetscene permits an appreciation of both Northaw Place and Northaw House as rural country houses on the edge of Northaw village both set within large grounds and surrounding parkland. The entrances to both of these properties are relatively formal and demarked with gates, brick piers and estate fencing, however, these boundary treatments respond to the historic status of the buildings and are considered to preserve the rural character of the road.</p> <p>The proposed railings and gates are distinctly suburban in character and detract from the rural character of the road, to the detriment of the settings of the nearby listed buildings. Whilst the key elements of the listed building's settings are preserved, the addition of an incongruous boundary treatment within the streetscene does impact the rural characteristics of their settings. Whilst there are no objections in principle to the installation of gates and the alteration of the access into the site, the design of any proposal should respect the rural appearance of the road in order to preserve its distinct character and the settings of the listed buildings. The design as proposed is considered to be unsympathetic and detracts from the settings of the listed buildings.</p> <p>There is a low level of less than substantial harm caused to their significance, in line with paragraph 196 of the NPPF. No public benefits have been identified to weigh in favour of the proposal. Accordingly the proposed development is contrary Policy D1 of the Welwyn Hatfield District Plan 2005; Policy SADM15 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; the National Planning Policy Framework 2019 and the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>
<p><b>Any other considerations</b></p>	<p><i>Whether there are any very special circumstances to outweigh any harm to the Green Belt</i></p> <p>Paragraph 143 of the NPPF states that when considering planning applications, 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,</p>

	<p>and any other harm, is clearly outweighed by other considerations.</p> <p>No very special circumstances exist to clearly outweigh the identified harm.</p>
<p><b>Conclusion</b></p>	
<p>In conclusion, the application is not considered to overcome the previous reasons for refusal. The proposal represents an inappropriate form of development within the Green Belt. Furthermore, as a result of its design, height, span and siting, the proposed development would result in a loss of openness and visual permeability of the Green Belt and would fail to respect or relate to the existing character and visual amenity of the immediate locality. Very special circumstances do not exist. Accordingly, the proposal is contrary to Policies GBSP1, D1, D2 and RA3 of the Welwyn Hatfield District Plan 2005; the Supplementary Design Guidance 2005; Policies SP3, SP25 and SADM34 of the Emerging Local Plan 2016; and the National Planning Policy Framework 2019.</p> <p>The proposed boundary treatment, by virtue of its scale and appearance, represents a poor standard of design which would be unsympathetic and would detract from the distinct rural characteristics of the settings of listed buildings within the streetscene. Whilst this is less than substantial harm to their significance, there are no apparent public benefits which would outweigh this harm. As such, the proposal is contrary to Policy D1 of the Welwyn Hatfield District Plan 2005; Policy SADM15 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; the National Planning Policy Framework 2019 and the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>The proposed development, by virtue of the design and siting of the gates and accesses, limited visibility and proposed mitigation methods, will adversely affect the safety of traffic on the public highway and interfere with the free and safe flow of traffic locally. The proposal is therefore contrary to Policies D1 and D5 of the Welwyn Hatfield District Plan 2005; Policy SADM2 of the Draft Local Plan Proposed Submission 2016 and the National Planning Policy Framework 2019.</p>	

**Reasons for Refusal:**

1. The proposed boundary treatment and gates would represent an inappropriate form of development within the Green Belt. Furthermore, as a result of its design, height, span and siting, the proposal would result in a loss of openness and visual permeability of the Green Belt and would fail to adequately respect or relate to the existing character and visual amenity of the immediate locality. Very special circumstances do not exist. Accordingly, the proposal is contrary to Policies GBSP1, D1, D2 and RA3 of the Welwyn Hatfield District Plan 2005; the Supplementary Design Guidance 2005; Policies SP3, SP25 and SADM34 of the Draft Local Plan Proposed Submission 2016; and the National Planning Policy Framework 2019.
2. The proposed boundary treatment, by virtue of its scale and appearance, represents a poor standard of design which would be unsympathetic and would detract from the distinct rural characteristics of the settings of listed buildings within the streetscene. Whilst this is less than substantial harm to their significance, there are no apparent public benefits which would outweigh this harm. As such, the proposal is contrary to Policy D1 of the Welwyn Hatfield District Plan 2005; Policy SADM15 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; the National Planning Policy Framework 2019 and the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. The proposed development, by virtue of the design and siting of the gates and accesses, limited visibility and proposed mitigation methods, would adversely affect



the safety of traffic on the public highway and interfere with the free and safe flow of traffic locally. The proposal is therefore contrary to Policies D1 and D5 of the Welwyn Hatfield District Plan 2005; Policy SADM2 of the Draft Local Plan Proposed Submission 2016; and the National Planning Policy Framework 2019.

#### REFUSED DRAWING NUMBERS

4.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
AR/A3/001		Area Map	2 September 2019
AR/A3/003	A	Existing Site Plan	2 September 2019
AR/A3/004		Street Elevation	2 September 2019
AR/A3/005	A	Proposed Site Plan	2 September 2019
AR/A3/006		Street Elevation	2 September 2019
AR/A3/007		Proposed Gates and Railings	2 September 2019
AR/A3/002		Location Plan	2 September 2019
AR/A3/102		Site Location Plan	2 September 2019

#### 1. 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  
28 October 2019