



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

DELEGATED APPLICATION

Application No: 6/2019/2428/FULL
Location: 44 The Ridgeway Cuffley Potters Bar EN6 4BA
Proposal: Erection of dwelling following demolition of existing dwelling
Officer: Mr Antoine Commenville

Recommendation: Granted

6/2019/2428/FULL

Context	
Site and Application description	<p>The application site comprises a large detached dwelling located within the Green Belt on the northern side of The Ridgeway, Cuffley. The dwelling is set back approximately 30m from the road front. The rear garden is approximately 85m in depth and abuts an area of ancient woodland. To the east and west of the application site are large detached properties.</p> <p>Planning permission is sought for the erection of dwelling following demolition of existing dwelling.</p>
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: 0 Wards - Northaw & Cuffley - Distance: 0 A4D - ARTICLE 4 DIRECTION - Distance: 0 FM30 - Flood Zone Surface Water 30mm (1902183) - Distance: 0 FM10 - Flood Zone Surface Water 100mm (499) - Distance: 0 FM10 - Flood Zone Surface Water 100mm (2744571) - Distance: 0 FM10 - Flood Zone Surface Water 100mm (2744603) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (18100) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7626452) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7626467) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7626603) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7626617) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7626278) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7626293) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7626304) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7626343) - Distance: 0 WILD - Home Wood (Cuffley) - Distance: 0 HEN - No known habitats present (high priority for habitat creation) - Distance: 0 HEN - Existing S41 NERC Act habitat - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0</p>
Relevant planning history	<p>Application Number: E6/1949/0635/ Decision: Granted</p>

<p>Decision Date: 28 June 1949 Proposal: House and private garage.</p> <p>Application Number: E6/1970/0852/ Decision: Granted Decision Date: 26 May 1970 Proposal: Erection of garage.</p> <p>Application Number: S6/1979/0015/ Decision: Granted Decision Date: 16 February 1979 Proposal: Ground and first floor side extension</p> <p>Application Number: S6/1988/0398/FP Decision: Granted Decision Date: 31 May 1988 Proposal: Two storey side extension after demolition of existing extension. New pitched roof over existing garage and basement swimming pool</p> <p>Application Number: S6/2000/1047/FP Decision: Refused Decision Date: 11 December 2000 Proposal: Erection of two storey rear extension</p> <p>Application Number: S6/2001/0052/FP Decision: Granted Decision Date: 26 March 2001 Proposal: Erection of two storey rear extension</p> <p>Application Number: S6/2002/0143/FP Decision: Granted Decision Date: 18 March 2002 Proposal: Erection of a two storey rear extension (amendment to s6/2000/1047/FP)</p> <p>Application Number: S6/2002/0305/FP Decision: Granted Decision Date: 21 May 2002 Proposal: Erection of two storey side and first floor side extension and rear conservatory</p> <p>Application Number: 6/2018/0291/HOUSE Decision: Refused Decision Date: 23 April 2018 Proposal: Erection of a double storey side and single storey rear extension, front porch with access, driveway and frontage alterations</p>			
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 25 October 2019 Site Notice Expiry Date: 15 November 2019		

Summary of neighbour responses	No representation have been received.
Consultees and responses	<p>WHBC Client Services – No objections</p> <p>Northaw & Cuffley Parish Council – No objections</p> <p>Hertfordshire Ecology – Advise a precautionary approach to the works is taken and recommend that an informative relating to bats is added to any permission granted.</p> <p>Herts & Middlesex Wildlife Trust – Objection: Bat survey required before application can be determined.</p>
Relevant Policies	
<p><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 checked="" type="checkbox"/> M14 Others: SD1, RA4, RA10, R11, R15, R17, D8, H2, H6 and GBSP2 Supplementary Design Guidance, February 2005 Supplementary Planning Guidance, Parking Standards, January 2004 Interim Policy for Car Parking Standards and Garage Sizes, August 2014</p> <p><u>Draft Local Plan Proposed Submission August 2016</u> SP1 Delivering Sustainable Development SP3 Settlement Strategy and Green Belt Boundaries SP4 Transport and Travel SP9 Place-making and High Quality Design SADM2 Highway Network and Safety SADM11 Amenity and Layout SADM12 Parking, Servicing and Refuse SADM16 Ecology and Landscape SADM34 Development in the Green Belt</p>	
Main Issues	
Green Belt	
<p>The site is located within the Metropolitan Green Belt as defined by District Plan Policy GBSP1. 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 National Planning Policy Framework (NPPF) states, in paragraph 143 that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 then states that substantial weight should be given to any harm in the Green Belt and that “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</p> <p>Paragraph 145 of the NPPF deals with the construction of new buildings in the Green Belt, and sets out a range of exceptions to the general policy which may be considered as not being inappropriate. Paragraph 146 then lists certain other forms of development that may also not be inappropriate.</p> <p>As the proposed development relates to the replacement of an existing dwelling with another dwelling, it is considered that the relevant exceptions in this case is found with paragraph 145(d) of the NPPF. This is because paragraph 145(d) allows for replacement buildings to be constructed within the Green Belt as long as they are within the same use and the replacement building is not materially larger than the one which it replaces.</p>	

District Plan Policy RA4 (Replacement of Dwellings in the Green Belt) is relevant for this assessment and provides three criteria which need to be met for the development to be acceptable. The first of these criteria requires the replacement not to exceed the size of the “original” dwelling. However, the NPPF restricts this to “not materially larger than the one it replaces” and the NPPF should take precedence for this assessment. Policy SADM34 of the emerging Local Plan also permits the replacement of a building where it is not materially larger than the one it replaces in terms of its footprint, height and external volume and is in the same use.

Although the NPPF does not define what is “materially larger”, an assessment of footprint, floor area, mass and bulk are commonly used indicators. In this case, the existing dwelling has a height of approximately 11.4m, a footprint of approximately 789m² and a volume of approximately 2,011m³.

The proposed replacement dwelling would have a height of approximately 12.1m, a footprint of approximately 800m² and a volume of approximately 2,040m³. Although the proposal would result in a building which would be greater in height, in footprint and volume, the increase would be only marginal. This would represent an increase in height between 0.5 and 0.7 m, an increase of footprint of 11m² and an additional volume of 29 m³. In addition, it should be noted that the maximum depth of the proposed building is approximately 14.5m while the existing building has a maximum depth of 20.5m. In the visual sense, it is not considered that the replacement dwelling would appear materially larger or more prominent from public vantage points when compared to the existing.

Taking account of the above, on balance it is not considered that the proposed dwelling would be materially larger than the existing dwelling, with the result that it would fall within limitation set out within paragraph 145(d) of the NPPF. The proposal would therefore represent appropriate development in the Green Belt. The Courts have held that appropriate development is not harmful to Green Belt openness or the purposes of including land within it.

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): The site is within the Northaw Great Wood and Northaw Common Parkland North Mymms Common Plateau Landscape Character Area. It is judged that the proposed replacement dwelling would respect and relate to the character of the site and the landscape character area that the site is within. The dwelling which is to be demolished is of limited architectural merit. The new dwelling would have a neutral impact of views across the landscape character area. Details of external materials and landscaping can be secured through planning condition. In summary, it is considered that the proposed development accords with Policies D1, D2 and RA10 of the Welwyn Hatfield District Plan 2005.

Would the development reflect the character of the dwelling?

Yes No N/A

Comment (if applicable):

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

Yes No N/A

Comment (if applicable): No objections to the proposed development were received from neighbouring occupiers or the Town Council. The proposed replacement of the dwelling has been designed to have no overlooking windows towards neighbouring properties. Giving consideration to the scale of the proposal, orientation and its setting, it is considered that the resultant dwelling would not have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring properties and would not appear visually overbearing. The amenity of the adjoining occupiers would be maintained to an acceptable level in accordance with the NPPF, Local Plan Policy D1 and Supplementary Design Guidance.

Would the development provide / retain sufficient parking?

Yes No N/A

Comment (if applicable): The proposed development does not result in a change in the number of bedrooms within the dwelling or in the level of parking provision currently provided. As a consequence, there is no objection to the proposal on this ground.

Any other issues

Ecology

It is noted that the Herts & Middlesex Wildlife Trust have advised that a bat survey is required. However Hertfordshire Ecology Officers have commented that they do not consider that there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey. An informative relating to bats is therefore recommended.

Conclusion

Subject to the suggested conditions being imposed, the proposed development is considered to be in accordance with the aims and objectives of policies of the Welwyn Hatfield District Plan 2005, the Emerging Local Plan 2016, the adopted Supplementary Design Guidance and the National Planning Policy Framework 2019.

Conditions:

1. No development above ground level in any phase of the development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

2. No development above ground level in any phase of the development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details. The landscaping details to be submitted shall include:
 - (a) means of enclosure and boundary treatments
 - (b) hard surfacing, other hard landscape features and materials

- (c) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction
- (d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

- 3. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner; and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

DRAWING NUMBERS

- 4. The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
1927/P/20.01		Proposed Floor Plans and Elevations	1 October 2019
1927/P/30.01		Site Section	1 October 2019
1927/P/40.01		Drainage Layout	1 October 2019
DAT/9.2		Existing Elevations	1 October 2019
DAT/9.1		Existing Floor Plans	1 October 2019
DAT/9.0		Site Survey	1 October 2019
1927/P/10.02		Site Layout	1 October 2019
1927/P/10.01		Location Plan	1 October 2019
1927/P/10.02	A	Site Layout Plan	8 October 2019

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

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).

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England, to avoid an offence being committed.
3. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.

Determined By:

Mr Mark Peacock
6 December 2019