

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

DELEGATED APPLICATION

Application No: 6/2020/0576/FULL
Location: Land adj 48 The Ridgeway, Cuffley, Potters Bar, EN6 4BA
Proposal: Erection of dwelling
Officer: Mr David Elmore

Recommendation: Refused

6/2020/0576/FULL

Context	
Site and Application description	<p>The application site is located on the northern side of The Ridgeway, Cuffley, and comprises part of the residential garden of number 48.</p> <p>The site is washed over by the Metropolitan Green Belt and forms part of a Local Wildlife Site known as Home Wood (Cuffley).</p> <p>Planning permission is sought for the erection of a single 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 FM00 - Flood Zone Surface Water 1000mm (18100) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7626292) - 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><u>48 The Ridgeway</u></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: S6/1998/1113/FP Decision: Granted Decision Date: 15 February 1999 Proposal: Erection of single storey rear extension</p> <p>Application Number: S6/1988/1058/FP Decision: Granted</p>

	<p>Decision Date: 06 March 1989 Proposal: Two storey front and side extension. First floor rear extension and new garage block</p> <p>Application Number: S6/1988/0451/FP Decision: Granted Decision Date: 10 June 1988 Proposal: Single storey front and side extensions and detached four car garage.</p> <p>Application Number: S6/1986/0337/FP Decision: Granted Decision Date: 08 July 1986 Proposal: Construction of brick wall to front boundary</p> <p>Application Number: S6/1976/0387/ Decision: Granted Decision Date: 27 August 1976 Proposal: Extension to cellar and kitchen / diner</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 18 March 2020 Site Notice Expiry Date: 8 April 2020		
Summary of neighbour responses	No representations received		
Consultees and responses	<p>HCC Ecology – Objection:</p> <ul style="list-style-type: none"> Insufficient information for the LPA to establish that the proposal will not have an unacceptable impact on the Local Wildlife Site. Satisfactory ecological appraisal and great crested newt survey required prior to determination <p>HCC Highways – No objection subject to conditions</p> <p>WHBC Client Services Team – Comment:</p> <ul style="list-style-type: none"> Please ensure that there is provision for storage on the property for 3 x wheelie bins and access so that the bins can be presented on the boundary the night before the scheduled day. 		
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 checked="" type="checkbox"/> M14 <input type="checkbox"/> Supplementary Design Guidance (SDG) <input type="checkbox"/> Supplementary Parking Guidance (SPG) <input type="checkbox"/> Interim Policy for car parking and garage sizes (Interim Parking Policy) Others: Policies SD1, R1, R11, R15, R17, R20, D8, H2 & RA10 of the District Plan; Policy SADM34 of the Emerging Local Plan; Conservation of Habitats and Species Regulations 2018.			
Main Issues			
Principle of residential development	<p>The site has not been allocated for additional housing supply and therefore comes forward as a windfall residential site where Welwyn Hatfield District Plan 2005 (District Plan) Policy H2 applies. This policy states that all applications for windfall residential development will be assessed for potential and suitability against the following criteria:</p> <p>i. The availability of previously-developed sites and/or buildings;</p>		

	<ul style="list-style-type: none"> ii. The location and accessibility of the site to services and facilities by transport modes other than the car; iii. The capacity of existing and potential infrastructure to absorb further development; iv. The ability to build new communities to support infrastructure and provide demand for services and facilities; v. The physical and environmental constraints on development of land. <p>Land in built-up areas such as residential gardens is not classed as previously developed land, having a lower priority for development, but that does not mean they cannot be built on in any circumstances. The need to make efficient use of urban land remains a policy objective.</p> <p>The application site is located outside of but close to the edge of the specified settlement of Cuffley. There is continuous footway between the site and the village centre and the speed limit is restricted to 30mph for much of the length. The village centre has a train station and good range of shops and services. Both walking and cycling would be plausible modes of travel other than the private car. As such, it is considered that the site is within an adequately sustainable location for development.</p> <p>Existing infrastructure would absorb the development and there would be a benefit (albeit limited) on nearby services and facilities. Physical and environmental constraints on development of the land are discussed below.</p> <p>Subject to there being no physical or environmental constraints on development of the land, the proposal would be a suitable site for windfall residential development.</p>
<p>Green Belt</p>	<p>The application site is washed over by the Metropolitan Green Belt.</p> <p>Policy GBSP1 of the District Plan states that the Green Belt will be maintained in the Borough as defined on the proposals map.</p> <p>Paragraph 145 of the NPPF outlines that local planning authorities should regard the construction of new buildings as inappropriate development, apart from a limited number of exceptions. The applicant contends that the development would comply with exception (e) 'limited infilling in villages'.</p> <p><i>Does the site lie in the village of Cuffley?</i></p> <p>Cuffley is a large village and the site is outside of its settlement boundary as designated in both the District and Emerging Local Plan. However case law set out in <i>Julian Wood v SoS and Gravesham Borough Council [2015]</i> found that the term "village" is not necessarily the same as a settlement boundary, and that there is a need to consider the facts on the ground.</p> <p>The defined settlement boundary in the development plan ends approximately 137 metres to the south-east along The Ridgeway (beyond 36 The Ridgeway). Ribbon development however continues out of the settlement on both sides of the road and includes 48 The Ridgeway. The spacing between dwellings along the northern side of the road are similar and the street-scene remains verdant and open when passing the site into and out of the defined settlement. The character and appearance of the area between the outer limits of the defined settlement along The Ridgeway and the site is considered to be unchanged. Accordingly, on the ground in this case the site is considered to lie within a village for planning policy purposes.</p> <p><i>Would the development represent limited infilling?</i></p>

	<p>Limited infilling is not defined in the NPPF or District Plan. Policy SADM34 of the Council's Emerging Local Plan however outlines that limited infill development will be permitted in villages within the Green Belt provided:</p> <ol style="list-style-type: none"> i. It is within a continuous built up frontage; ii. It does not extend the existing 'built up' area of the village into the open countryside; iii. It would not result in the loss of a view or vista which makes a significant contribution to the character of the settlement; and iv. It is small scale and would not result in the provision of more than four dwellings (net) <p>Whilst the hearing session including Policy SADM34 has taken place in February 2018 and there are no unresolved objections concerning this policy, the Emerging Local Plan has yet to be examined and found sound. Therefore, it attracts limited weight as a material consideration. However, in the absence of any other local standards, it provides a suitable benchmark for assessing the development.</p> <p>The proposal would result in the provision of one dwelling sited in a gap within continuous built-up frontage. Also, it would not extend the existing 'built up' area of the village into open countryside nor result in the loss of the view or vista. Accordingly, it is considered that the proposal would represent limited infilling.</p> <p>Taking account of the above, the proposal would be limited infilling in a village and therefore be appropriate development in the Green Belt. As appropriate development in the Green Belt, an assessment of Green Belt openness and the purposes of including land within it is not required.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>District Plan Policies D1 and D2 require the standard of design in all new development to be of a high quality and that all new development respects and relates to the character and context of the area in which it is proposed.</p> <p>The NPPF places a clear emphasis on high quality design and states in paragraph 130 that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way in functions, taking into account any local design standards or style guides in plans or supplementary planning documents.</p> <p>Policy D8 of the District Plan requires this type of development to include landscaping as an integral part of the overall design. Policy R17 also explains that the Council will seek the retention of existing trees by condition where applicable. This approach is broadly consistent with the NPPF</p> <p>This part of The Ridgeway contains generally substantial dwellings set back from the road and within generously sized plots. The street-scene is wide and the boundaries of properties are well landscaped with trees and hedging. There is an eclectic mix of dwelling styles.</p> <p>The application site is located on the northern side of The Ridgeway. On this side of the road dwellings are sited well below the road level due to the steep downward slope of the land. The land on this side of the road along slopes across and downwards to the south-east.</p> <p>The site currently forms part of the residential garden of 48 The Ridgeway and the area where the dwelling would be sited includes a tennis court, pond and trees. The site is very well landscaped with trees and hedging both within and</p>

	<p>to its boundaries, so much so, that views from the road are very limited.</p> <p>The proposed dwelling would be sited between 44 and 48 The Ridgeway on a similar building line. It would have three-storeys (inclusive of basement accommodation) with a main crown roof and a one and a half storey front projecting half-hip roof. Ground level of the dwelling would run flush with the existing tennis court and the basement accommodation would be set into the downward slope of the land.</p> <p>Crown roofs are a feature of a number of dwellings along The Ridgeway. The overall design of this roof is considered acceptable when compared with others in the area. Notwithstanding this, in terms of visual amenity and quality of design, some crown roofs are not attractively designed and can significantly detract from the appearance of a dwelling and the overall character of the area. Provided that the flat roof is stepped down and concealed behind the surrounding pitched roof, its impact in terms of visual amenity would be limited.</p> <p>The dwelling would be greater in height than 44 The Ridgeway but lower than 48 The Ridgeway - mainly due to the gradients of the site and neighbouring sites. As a result, the proposal would respect the building heights of its immediate neighbours.</p> <p>The submitted Design & Access Statement indicates that the proposal would not require the removal of any significant trees from the site and that a new scheme of soft landscaping could be planted. Limited details however have provided. It appears from the proposed site plan that only three existing trees would be removed to facilitate the development – one to provide vehicular access from The Ridgeway and the other two to erect the dwelling. In this case therefore almost all of the boundary landscaping would be retained which is important to soften the presence of built development and maintain the landscape setting. Details of all retained trees and additional planting can be secured through planning condition.</p> <p>No details of hard landscaping have been submitted. It is reasonable that a driveway would be provided to the front of the property and the proposed site plan gives indication to this. Details of hard landscaping can be secured through planning condition. This will ensure that an appropriate balance of soft to hard landscaping is achieved in keeping with the area.</p> <p>The dwelling would be faced in a mix of timber boarding and brickwork below a natural slate tile roof. Having regard to the variety of materials used on dwellings in the area, the principle of the proposed materials are acceptable. The use of timber boarding in the background behind retained boundary landscaping would further make the dwelling and its size less apparent.</p> <p>It is considered that the size and visual presence of the proposed dwelling would be limited from the street-scene through a number of factors, including its positioning with the site, partial screening of its flank walls from the neighbouring dwellings on either side, height relative to these neighbouring dwellings, use of traditional materials and significant retention of the existing boundary landscaping.</p> <p>Subject to planning conditions requiring details of the crown roof, external materials and soft and hard landscaping, it is considered that the development would represent an acceptable standard of design in this respect.</p>
<p>Impact on neighbours</p>	<p>Policy D1 of the District Plan and the NPPF require high quality design and this includes development ensuring that the residential amenity and living conditions of users and neighbours are protected.</p> <p>The Council's SDG only provides specific guidance requiring extensions to not</p>

	<p>cause loss of light or be unduly dominant from adjoining properties, as a result of either the length of projection, the height or the proximity of the extension. However, it is considered that such principles are transferable to new developments such a dwellings.</p> <p>Having regard to the positioning, height, depth and form of the proposed dwelling, it is considered that it would not appear unduly dominant from neighbouring properties or result in any adverse loss of sunlight or daylight.</p> <p>Upper floor flank windows (serving bedroom, dressing room, en-suites) would face flank windows of the two neighbouring properties on either side. All these windows (save for the dormer windows) give rise to potential for overlooking and loss of privacy. To prevent such adverse effects, it is considered necessary and reasonable for these windows should obscure glazed with a restricted level of opening. This measure can be secured through planning condition.</p> <p>The proposal would also involve sub-division and delineation of the existing plot. Suitable hard boundary treatments can be secured through planning condition to ensure the privacy of 48 The Ridgeway is maintained.</p> <p>Subject to the suggested condition, the development would be acceptable in this respect.</p>
<p>Access, car parking and highway considerations</p>	<p>There would be sufficient space to the frontage of the dwelling for the provision of three car parking spaces in accordance with the SPG.</p> <p>The Highways Authority have been consulted for this application and present no objection subject planning conditions requiring the access to be provided and retained in the position proposed and for its gradient to not exceed 1:10 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway. Such conditions are considered necessary and reasonable in the interest of highway safety</p>
<p>Landscaping</p>	<p>The Council's Landscaping Officer has been consulted for this application and requests further details regarding the existing trees, what trees will be retained, new planting and tree protection measures.</p> <p>Limited landscaping information has been provided. Agreement of a detailed landscaping scheme and construction methods to ensure protection of retained trees is required in the interest of high quality design and maintaining the area's landscape character.</p>
<p>Other considerations</p>	<p><i>Biodiversity</i></p> <p>The application site is located within Home Wood (Cuffley) Local Wildlife Site (LWS), which is described as very old scrub and plantation that has developed into semi-natural woodland. Local Wildlife Sites are an important ecological resource at the county level and should be protected if possible.</p> <p>Hertfordshire Ecology have been consulted for this application and advise that there is presently insufficient information on ecology for the local planning authority to establish that the proposal will not have an unacceptable impact on the LWS.</p> <p>Given the potential negative impact of the proposal on a part of the LWS, Hertfordshire Ecology outline that further information is required in the form of an Ecological Appraisal satisfied prior to determination. This should include a botanical survey of the site carried out at the optimum time of year of early (May) to enable the full botanical composition of the area affected to be reliably assessed. In addition, a survey of the on-site pond to assess its potential to support protected species such as great crested newts should also be</p>

undertaken (The development would involve the loss of this pond). The appraisal should also detail the likely impacts of the proposal and suggest any appropriate mitigation or compensation measures in accordance with the Conservation of Habitats and Species Regulations 2018.

Policy R11 of the District Plan outlines that all new development will be required to demonstrate how it would contribute positively to the biodiversity of the site.

The NPPF outlines that planning decisions should protect and enhance biodiversity and, when determining planning applications, local planning authorities should ensure that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated against, or, as a last resort, compensated for, then permission should be refused.

Taking account of the above, it cannot be reasonably concluded that the proposal would not be harmful to the LWS and great crested newts. Without such assurances, the proposal would conflict with Policy R11 of the District Plan, the NPPF and the Conservation of Habitats and Species Regulations 2018.

The proposal also fails to provide any information in terms of providing net gains for biodiversity at the site, in conflict with the above policies. Such a matter however can be required through planning condition (if not included in the required Ecological Appraisal).

Removal of permitted development rights

The dwelling would all benefit from permitted development rights. The proposed development has been carefully designed to be in keeping with the character and context of the area and ensure that the living conditions of neighbouring occupiers would not be harmed. The resultant built development would also remain commensurate to the plot.

Certain future extensions under permitted development would likely cause harm in the above respects. In the interest of maintaining high quality design, it is considered necessary and reasonable for permitted development enlargements under Classes A and B for new dwellings to be revoked through a planning condition.

Planning balance

It has been identified that there is a potential negative impact of the proposal on a part of the LWS and great crested newts. The NPPF advises that planning permission should be refused if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for.

Based on the submitted information, it cannot be reasonably concluded that the proposal would not be harmful to the LWS and great crested newts. Without such assurance, the proposal would conflict with Policy R11 of the District Plan and the NPPF.

In terms of benefits, the proposal would provide employment gains, as there would be a number of construction and landscaping jobs generated by the build, as well as business opportunities. However, the economic benefits would be mainly short-term being largely restricted to the initial re-development of the site. As such, the economic benefits would be limited.

There would be a boost in housing supply providing a new dwelling. The Council has a deficient 5 year housing land supply. The gain of one dwelling

	<p>would clearly be small.</p> <p>Whilst the Council cannot demonstrate a five year supply of deliverable housing sites, paragraph 177 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitat site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. No such assessment on this part of the LWS quality habitat has been undertaken.</p> <p>The potential adverse impacts on the LWS and great crested newts, and lack of assurance that the proposed development would not result in harm to biodiversity, provides a clear reason for refusing the proposal.</p>
Conclusion	
<p>The application has failed to demonstrate that the proposed development would not result in harm to biodiversity. Without such assurance the proposal conflicts with R11 of the Welwyn Hatfield District Plan 2005; the National Planning Policy Framework; and the Conservation of Habitats and Species Regulations 2018.</p>	

Reasons for Refusal:

1. The application has failed to demonstrate that the proposed development would not result in harm to biodiversity and the loss of protected species. Without such assurance the proposal conflicts with Policy R11 of the Welwyn Hatfield District Plan 2005; the National Planning Policy Framework; and the Conservation of Habitats and Species Regulations 2018.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
13935-P002-A		Location Plan, Proposed Site Plan, Proposed Front Elevation & Street Elevation	28 February 2020
13935-S001-A		Location Plan, Existing Site Plan & Existing Street Scene	28 February 2020
13935-P003-A		Proposed Floor Plans & Elevations	28 February 2020

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
24 April 2020