

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

DELEGATED APPLICATION

Application No: 6/2020/1681/HOUSE
Location: 36 Vineyards Road Northaw Potters Bar EN6 4PA
Proposal: Erection of first floor extension over existing garage, removal of existing chimney, alterations to fenestration, enlargement of existing outbuilding and creation of swimming pool and terrace area.
Officer: Ms Emily Stainer

Recommendation: Refused

6/2020/1681/HOUSE

Context	
Site and Application description	<p>The application property is a large detached house located on the southern side of Vineyards Road, within the Metropolitan Green Belt. The property is setback from the road where there are two accesses forming a carriage driveway and a front hedge. The adjoining property (No.38) is setback from the road and accessed via a private road. To the west of the site is a vacant plot of land which separates the application property and No.32, another detached house.</p> <p>Planning permission is sought for the erection of a first floor extension over the existing garage, removal of an existing chimney, alterations to the fenestrations, enlargement of the existing outbuilding and the creation of a swimming pool and terrace area.</p> <p>A site visit was made by the case officer on the 5th August 2020, but only from public vantage points due to the restrictions in place as a result of the Coronavirus pandemic (COVID-19). A suitable level of information has been acquired in which to make a full and thorough assessment by use of the case officer's photographs taken from the street scene, additional photographs provided by the applicant and photos from previous planning applications at the site. The specific merits of this case means that a full and complete assessment can be made in respect of this particular application.</p>
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt - 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</p>
Relevant planning history	<p>Application Number: S6/1982/0422/ Decision: Granted Decision Date: 22 September 1982 Proposal: Two storey and single storey extensions</p>

Application Number: S6/1985/0592/FP
Decision: Granted
Decision Date: 24 October 1985
Proposal: Ground and first floor side extension

Application Number: S6/1986/0672/FP
Decision: Granted
Decision Date: 20 November 1986
Proposal: First floor side extension

Application Number: S6/1988/0225/FP
Decision: Granted
Decision Date: 23 May 1988
Proposal: New vehicle access

Application Number: S6/1990/0381/FP
Decision: Granted
Decision Date: 18 June 1990
Proposal: Single storey side extension, single storey rear kitchen extension and first floor side extension

Application Number: S6/1992/0141/FP
Decision: Granted
Decision Date: 27 April 1992
Proposal: First floor front extension

Application Number: S6/1993/0456/FP
Decision: Granted
Decision Date: 04 October 1993
Proposal: Erection of first floor extension to bedroom over new porch

Application Number: S6/1999/0189/FP
Decision: Granted
Decision Date: 26 April 1999
Proposal: Erection of single storey rear extension to form granny annexe

Application Number: S6/2000/1207/FP
Decision: Refused
Decision Date: 27 November 2000
Proposal: Erection of a two storey rear extension

Application Number: S6/2002/0545/FP
Decision: Granted
Decision Date: 13 June 2002
Proposal: Erection of entrance gates with 1.8m brick piers

Application Number: 6/2017/1973/HOUSE
Decision: Refused
Decision Date: 15 November 2017
Proposal: Erection of a single storey double garage, single storey side and rear extension, first floor side extension, rear roof terrace at first floor, external terrace/patio and erection of an outbuilding for use as a pool house and gym to rear. Installation of 3 front windows to facilitate garage conversion, installation of front door, removal of existing chimney, raise front gable end roof and

	installation of 1 rear double height dormer window to facilitate loft conversion to habitable space.		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 5 August 2020 Site Notice Expiry Date: 26 August 2020 Press Advert Display Date: 5 August 2020 Press Advert Expiry Date: 19 August 2020		
Summary of neighbour responses	None		
Consultees and responses	Hertfordshire Ecology - Currently there is insufficient information on bats to determine this application. Once the requested survey information has been provided, I can advise the LPA as necessary. Northaw & Cuffley Parish Council – No response. Herts & Middlesex Wildlife Trust – No response.		
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 checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes Others: SD1 Sustainable Development D8 Landscaping R11 Biodiversity and Development 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 SADM11 Amenity and Layout SADM12 Parking, Servicing and Refuse SADM16 Ecology and Landscape SADM34 Development within the Green Belt			
Main Issues			
Principle of Development in the Green Belt	<u>Appropriateness</u> The National Planning Policy Framework (NPPF), in paragraph 145, outlines 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. Exception (c) is engaged in this case and explains that the extension or alteration to a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.		

District Plan Policy RA3, like the NPPF, allows for extensions in the Green Belt which would not result in a disproportionate increase in the size of the dwelling, either individually or when considered with existing or approved extensions to the original dwelling. Policy RA3 states that extensions to dwellings in the Green Belt will only be permitted where they would not have an adverse visual impact (in terms of its prominence, size, bulk and design) on the character, appearance and pattern of development of the surrounding countryside. Additionally it is noted in emerging Policy SADM34 that the applicant will need to demonstrate that extensions and alterations to a building would not result, either individually or cumulatively, in disproportionate additions over and above the size of the original building in terms of bulk, scale, height or massing. Each proposal is therefore considered in relation to the size and character of the original building and the impact of the proposed extension on these factors.

The NPPF defines the “original building” as a building as it existed in July 1948 or, if constructed after that date, as it was originally built. Neither the District Plan nor NPPF provide any detailed guidance on how to determine whether an extension is disproportionate. This is, therefore, ultimately a planning judgement of fact and degree, which demands that each proposal is considered in relation to the size and appearance of the original building. The proposed increase in volume, footprint and floorspace are commonly used indicators, however, as well as mathematical calculations, the visual impact of the extension has to be considered.

The original building has been extended significantly, including numerous single storey extensions and a first floor side extension (see relevant planning history). Historic planning applications indicate that the original floor area of the dwelling appeared to measure approximately 173sqm. Using the submitted plans, the existing floor area of the property measures approximately 295.5sqm (taken externally), representing an increase of approximately 70.8% over the original property. The proposed first floor side extension would add approximately 28.5sqm to this figure, resulting in an 87.3% percentage increase above the original dwelling. Policy RA3 additionally notes that it applies to outbuildings for which planning permission is required. Planning permission is sought for the extension of the existing outbuilding and the proximity of the outbuilding to the dwelling suggests it should also be included in the above calculations. The extension of the existing outbuilding would result in a building measuring approximately 7.7m x 3.6m with a floor area of approximately 27.72sqm. This figure increases the total floor area to a 103.3% increase above the original dwelling. It is therefore considered that this further contributes to the disproportionate nature of the existing and proposed extensions compared to the original property.

As such, although the proposed extensions to the property and outbuilding would only result in a combined floor area of approximately 37.14sqm over the existing situation, the dwelling has already been extended beyond what could reasonably be considered proportionate, taking a purely arithmetic viewpoint. The proposed extensions, together with those existing, would therefore result in substantial additions to the building.

Notwithstanding the above, the NPPF does not limit the concept of proportionality to size alone and an overall assessment of proportionality includes a qualitative judgement. In each case, it is necessary to make a judgement as to whether the enlargement of a building would be

disproportionate in qualitative terms.

In this regard, the proposed extension would be at first floor level in height, in addition to the original property benefitting from an existing first floor side extension. When taking into account the cumulative extent of the extensions to the original building, this proposal would result in additions that extend the original building to a significant degree. The resultant scale and mass of the building would subsequently fail to respect its original size and form. Consequently, in a visual sense as well as numerically, the proposal would result in disproportionate additions contrary to paragraph 145 of the NPPF. The NPPF confirms that inappropriate development is by definition harmful to the Green Belt and this is afforded substantial weight.

Openness, character and appearance

The essential characteristics of Green Belts are their openness and their permanence. 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. Any above ground development would to some extent diminish the openness of the Green Belt. Visual impact forms part of the concept of openness of the Green Belt, and the visual dimension of the Green Belt is an important consideration which weighs into the planning balance.

In terms of the effect of the first floor side extension on the openness of the Green Belt, the proposed increase in volume and floor area would materially increase the bulk and mass of development on the site thereby reducing the openness of the Green Belt to a degree. The design and siting of the extension to the side which would be visible from the front of the site would appear highly visible from the streetscene of Vineyards Road. The site is located within a small built up area of the Green Belt forming ribbon development out of the village, in which there is evidence of two storey side extensions. Whilst it is considered that there would be a significant increase in the amount of built development to the original dwelling, given the context and character of the immediate area, the negative effects on the openness of this part of the Green belt would be moderate. This moderate harm is in addition to the harm by reason of inappropriateness however, which is afforded substantial weight.

Paragraph 146 of the NPPF states that certain other forms of development that are not listed within paragraph 145 may also be acceptable within the Green Belt as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. It is considered that the relevant exception for the proposed swimming pool would be within 146(b), as it would be primarily an engineering operation. No elevational/sectional drawings have been provided of the proposed swimming pool and surrounding terrace to indicate the existing and proposed levels. The case officer is therefore unable to make an assessment as to whether this aspect of the proposal would meet the limitations set out within paragraph 146.

Purposes of the Green Belt

The proposed development would be wholly contained within the residential curtilage of the property and would not extend beyond the existing developed area. For this reason, it is concluded that the proposed development would not conflict with the purposes of the Green Belt as identified at paragraph 134 of the NPPF, in particular safeguarding the countryside from encroachment.

	<p><u>Conclusion</u></p> <p>As a result of the cumulative additions to the property, the resultant building would have a significantly greater bulk and mass compared to the original dwelling. Applying the approach in the National Planning Policy Framework 2019, Policy RA3 of the District Plan 2005 and Policy SADM34 of the Draft Local Plan Proposed Submission August 2016, it is judged that the proposed development would clearly be a disproportionate addition to the original dwelling. This is therefore inappropriate development in the Green Belt.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>Local Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed having regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area.</p> <p>The streetscene comprises of detached dwellings with different architectural styles and appearances. The overall scale of the proposed side extension, by virtue of its amount and design would extend beyond the original dwelling, significantly altering its form and proportions as discussed above. However the generous plot size can accommodate extensions to the existing property without impinging significantly on the property's amenity space. The proposed extension has been designed to reflect the architectural style of the main dwelling and the ridge height would be subservient to the height of the host dwelling. The extension would therefore appear as a balanced addition in character with the existing building. The extension of the outbuilding presents no objections in design terms. As a result, the design would be in keeping with the character of the original building and neighbouring houses. This does not however outweigh the harm identified above with regard to the Green Belt.</p> <p>The materials proposed would differ to the existing building, with the proposed materials listed as dark grey slate roof tiles, smooth render and dark grey powder coated aluminium windows and doors. It is unclear if these materials would only be implemented on the proposed extension or the whole building. Furthermore, no details of the materials of the swimming pool and terrace have been provided. In the event of permission being granted, it would therefore be reasonable to impose a condition requiring samples of any proposed materials in order to ensure they integrate adequately with the existing property. For the above reasons and subject to the suggested condition, the principle of the proposal would be in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.</p>
<p>Impact on neighbours</p>	<p>Local Plan Policy D1 and the Supplementary Design Guidance (SDG) 2005 are relevant. The impact of the proposed development on living conditions and amenity of neighbouring dwellings is measured in terms of overbearing impact, impact on light and overlooking/loss of privacy. The two properties most likely to be affected by the development are 32 Vineyards Road and 38 Vineyards Road. No comments have been received from neighbours.</p> <p>The proposed extensions to the property and outbuilding would be located a sufficient distance away from neighbouring properties to mitigate any impact in terms of overbearing impact or a loss of light. In regards to privacy, the new</p>

	<p>windows would primarily allow views within the site and not result in a significantly different relationship to the existing openings.</p> <p>Only limited information has been provided regarding the proposed swimming pool and terraces to the rear due to a lack of sectional or elevational details being submitted which indicate the proposed height and land levels. As the closest neighbouring property to the proposed swimming pool and terrace (38 Vineyards Road) is set significantly further back from the road using a separate private access road, and the property benefits from dense boundary vegetation screening it from this access, the proposal is unlikely to result in a loss of privacy. Nonetheless, insufficient information has been provided to enable the case officer to make a definitive assessment of this. Further details regarding the height and existing land levels should be submitted as part of any amended planning application.</p>
<p>Access, car parking and highway considerations</p>	<p>Three parking spaces would be required for a 5-bedroom dwelling in this location. The property presently benefits from a substantially sized carriage driveway with ample space for at least 3 cars. As such, it is considered that the proposal would comply with Policy M14 of the Welwyn Hatfield District Plan 2005 and Council Parking Standards as contained in its SPG.</p>
<p>Biodiversity</p>	<p>The NPPF outlines in paragraph 170 that local planning authorities should 'contribute to and enhance the natural and local environment'. This principle is applied in Policy R11 of the Local Plan and Policy SADM16 of the Emerging Local Plan.</p> <p>The application site is situated close to the woodlands of Nyn Park, including "The Vineyard, Nyn Park" Local Wildlife Site (LWS), which represent high quality foraging habitat for bats. Hertfordshire Ecology have been consulted as part of this application and outline in their response that there are records of a bat roost in close vicinity to the building. As the proposed extension will require extensive work to the roof and opening of the existing roof void, if bats are present they might be affected.</p> <p>No ecology information in the form of a preliminary assessment, bat survey or mitigation strategy has been provided alongside this application. The absence of such information means that the local planning authority cannot establish whether or not the proposed development would result in harm to the biodiversity of the site. As such, the appropriate assessment in terms of the Habitats Regulations cannot take place and the proposal cannot be properly considered against the relevant local and national planning policies.</p>
<p>Very Special Circumstances (VSC)</p>	<p>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 144 outlines that '<i>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</i>'.</p> <p>The development proposal represents inappropriate development in the Green Belt and harm to openness. In accordance with the NPPF, substantial weight is afforded to this harm. The applicant has not advanced any very special circumstances in the case of the Local Planning Authority not supporting the proposal in Green Belt terms. Further to the above analysis within this report, it is therefore considered that there are no very special circumstances that</p>

	outweigh the harm to the Green Belt that was identified above.
Conclusion	
The proposal would represent inappropriate development within the Green Belt. In addition to this harm, there would also be harm to the openness of the Green Belt. No very special circumstances exist which outweigh the harm to the Green Belt by reason of inappropriateness, and the other harm identified. Furthermore, insufficient information has been provided with the application to fully consider the impact of the proposal on bats and the privacy of neighbouring properties.	

Reasons for Refusal:

1. The proposed development, which is located on land designated as Metropolitan Green Belt, would constitute inappropriate development and is therefore by definition harmful development. In addition to this harm, there would also be harm to the openness of the Green Belt. No very special circumstances exist which outweigh the harm to the Green Belt by reason of inappropriateness, and the other harm identified. Consequently the proposed development would conflict with Policies GBSP1 and RA3 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.
2. Insufficient information has been provided with the application to fully consider the impact of the proposal on bats. As such, the appropriate assessment in terms of the Habitats Regulations cannot take place and the proposal cannot be properly considered against Policy R11 of the Welwyn Hatfield District Plan 2005, Policy SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.
3. Insufficient drawings have been submitted with the application to adequately assess the impact of the proposed swimming pool and terrace on the Green Belt and the privacy of neighbouring properties against Policies GBSP1 and D1 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005; Policy SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan 2016; and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

Plan Number	Revision Number	Details	Received Date
20-13-06		Existing Elevations	13 July 2020
20-13-07		Existing Floor Plans	13 July 2020
20-13-04		Proposed Elevations	13 July 2020
20-13-03		Proposed Floor Plans	13 July 2020
20-13-05		Site Plan And Location Plan	13 July 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 William Myers
7 September 2020