

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

DELEGATED APPLICATION

Application No: 6/2021/1021/HOUSE
Location: 51 Kentish Lane Brookmans Park Hatfield AL9 6NG
Proposal: Erection of an outbuilding with external verandah for ancillary use in connection with the main dwelling house(retrospective)
Officer: Mr David Elmore

Recommendation: Refused

6/2021/1021/HOUSE

Context	
Site and Application description	<p>51 Kentish Lane comprises a large detached dwelling with a carriageway drive to the front and substantial rear garden.</p> <p>The depth of the rear garden, from the rear wall of the main dwelling to the rear boundary, is approximately 128 metres. It is extensively landscaped and also includes a swimming pool and outbuildings. The swimming pool is integrated in the rear patio of the dwelling and directly beyond the pool is a summerhouse. Close to the rear boundary of the site is a garden store and an extension to it. It is the extension of the garden store which is the subject of this application. It is understood from the submitted planning statement that the garden store was constructed between 2003 and 2005. The submitted application form states that the extension to it was completed on the 1st of January 2020.</p> <p>A certificate of lawfulness was refused for the extension to the garden store on the 11th of January 2021 as its eaves and ridge height would exceed the permitted development limitations.</p> <p>The site is located in the Green Belt.</p>
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt - Distance: 0 PAR - PARISH (NORTH MYMMS) - Distance: 0 Wards - Brookmans Park & Little Heath - Distance: 0</p>
Relevant planning history	<p>Application Number: 6/2020/3010/LAWE Decision: Refused Decision Date: 11 January 2021 Proposal: Certificate of lawfulness for the existing outbuilding</p> <p>Application Number: 6/2020/2399/PN16 Decision: Prior Approval Required and Refused Decision Date: 12 November 2020 Proposal: Prior Approval for temporary use of the site (both the house and garden) for commercial film-making for no more than 9 months in any 27 month period.</p> <p>Application Number: S6/2010/2901/LU Decision: Granted Decision Date: 13 December 2010 Proposal: Certificate of Lawfulness for raising of side roof to same level of main roof</p>

	<p>Application Number: S6/2010/1121/LU Decision: Refused Decision Date: 12 July 2010 Proposal: Certificate of lawfulness for a proposal to raise the side roof</p> <p>Application Number: S6/2010/0691/LU Decision: Refused Decision Date: 18 May 2010 Proposal: Certificate of Lawfulness for proposing to raise the height of roof</p> <p>Application Number: S6/2007/1932/FP Decision: Granted Decision Date: 01 February 2008 Proposal: Erection of single storey extension to outbuilding (retrospective)</p> <p>Application Number: S6/2003/1434/FP Decision: Withdrawn Decision Date: 06 November 2003 Proposal: Erection of a single storey garden store</p> <p>Application Number: S6/1998/1112/FP Decision: Granted Decision Date: 17 May 1999 Proposal: Erection of first floor side extension</p> <p>Application Number: S6/1979/0580/ Decision: Granted Decision Date: 04 October 1979 Proposal: Two storey extension and garage</p> <p>Application Number: S6/1977/0492/ Decision: Refused Decision Date: 03 November 1977 Proposal: Two storey side extension and garage</p> <p>Application Number: S6/1976/0168/ Decision: Granted Decision Date: 07 May 1976 Proposal: Ground floor side extension including new double garage</p> <p>Application Number: E6/1965/0359/ Decision: Granted Decision Date: 11 March 1965 Proposal: Extension to garage.</p>		
Consultations			
Neighbour representations	Support: 0	Object: 1	Other: 0
Publicity	<p>Site Notice Display Date: 21 April 2021 Site Notice Expiry Date: 13 May 2021</p>		
Summary of neighbour responses	<p>Objection from 47 Kentish Lane summarised as follows:</p> <ul style="list-style-type: none"> - The application is described as an extension to an existing garden store, which although higher and closer to the boundary than would 		

	<p>normally be accepted as permitted development, is said to be been accepted by the council.</p> <ul style="list-style-type: none"> - The present proposal changes the garden store to apparently habitable use and we understand contains all services including foul drainage (which may affect adjoining land and may not comply with building regulations). - Object to use as living accommodation or accommodation intended to facilitate use of the whole site for filming purposes.
Consultees and responses	<p>North Mymms Parish Council – Objection stated as follows:</p> <p>“This is a Green Belt site and no special circumstances have been given which would outweigh the harm to the openness to the Green Belt and the location. The retention of the building cumulatively would amount to over-development on the plot”.</p>
Relevant Policies	
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" type="checkbox"/> GBSP1 <input checked="" 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	
Main Issues	
Green Belt	<p><i>Appropriateness</i></p> <p>Policy GBSP1 of the District Plan states that the Green Belt will be maintained in the Borough as defined in the Proposals Map.</p> <p>Paragraph 145 of the NPPF outlines that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt, apart from a limited number of exceptions.</p> <p>The submitted planning statement refers to a planning application being submitted for a garden store in the location of the existing garden store (application number: 6/2003/1434/FP) but then being returned to the applicant by the local planning authority as planning permission was not required. The planning statement then goes on to say that the applicant subsequently informed the Council Planning Officer that the proposed outbuilding was to be larger in footprint than shown on the submitted drawings. The garden store (as built and excluding the recent extension) however is clearly different in terms of its design and scale relative to that submitted under application 6/2003/1434/FP. It is therefore considered that the garden store (as built and excluding the recent extension) is not lawful. Furthermore, the existing building (including the garden store and extension to it) is not considered to be a domestic adjunct to the main dwelling given its length of separation from the main dwelling. The development cannot therefore be considered under exception (c).</p> <p>None of the exceptions to inappropriate development in paragraph 145 of the NPPF are relevant to this development. The building therefore represent inappropriate development in the Green Belt.</p> <p>Even if the garden store (excluding the recent extension) were to be deemed lawful, it is considered that the subject extension would represent a disproportionate addition to it, having regard to the footprint and scale increase.</p>

	<p><i>Openness</i></p> <p>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. However, assessing the impact of a proposal on the openness of the Green Belt requires a judgment based on the circumstances of the case. Openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant. The specific characteristics of the proposal and its setting are also relevant in this case when making an assessment. The curtilages of dwellings have an important role to play in keeping land open.</p> <p>While the development would not be visible from public vantage points and there would only be limited views from the gardens of adjoining neighbours. Notwithstanding this, the development would be sizeable structure and there would be a clear spatial impact. As a consequence of the footprint, scale and bulk of the development, there would be a material loss of openness and visual permeability of the Green Belt. The degree of harm is considered to be moderate in this case.</p> <p><i>Purposes of including land in the Green Belt</i></p> <p>Given the location of the development within the confines of the residential curtilage of the site, and also its size and scale, it is considered that it would not conflict with any of the purposes of including land in the Green Belt.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>The development would maintain the design and character of the dwelling and would not amount to overdevelopment of the plot. The character of the area would also be maintained.</p>
<p>Impact on neighbours</p>	<p>No adverse impact</p>
<p>Any other considerations</p>	<p><u>Objection from 47 Kentish Lane</u></p> <p>In terms of the use of the outbuilding, it is proposed as ancillary accommodation (not habitable) and this can be secured through a planning condition.</p> <p>The site has unlawfully been used for filming purposes. Therefore, any use of the outbuilding in association with such activity would require planning permission.</p> <p><u>Very special circumstances?</u></p> <p>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.</p> <p>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.</p> <p>The development would represent inappropriate development in the Green Belt and result in a loss of Green Belt openness. In accordance with the NPPF, substantial weight is attached to this harm.</p>

	<p>It is acknowledged in the submitted Planning Statement that very special circumstances are required to justify the development. The other considerations advanced by the applicant are summarised as follows:</p> <ul style="list-style-type: none"> a) The site not contributing to the purposes of the Green Belt b) Development will not have any impact on views or the openness or permanence of the Green Belt. Openness already compromised by the telecommunications masts and satellite equipment associated with the Brookmans Park Transmitting Station to the rear of the site. Furthermore, other outbuildings and residential properties have been built in the rear gardens of nearby properties c) Site not covered by an Article 4 Direction and permitted development rights exist. The footprint is permissible under permitted development and the applicant could erect a far worse form of development under permitted development rights, which would have much greater consequences for the Green Belt d) Outbuilding not visible from the surrounding area e) The outbuilding is a single storey subservient structure and is considered to be proportionate and of an appropriate scale for the size of the plot in accordance with Saved Local Plan Policy RA3. <p>In terms of (a), it is considered that the development would not conflict with the purposes of including land in the Green Belt. This is a neutral factor.</p> <p>In terms of (b), it has been identified in this report that the development would result in loss of the openness and permanence of the Green Belt.</p> <p>In terms of (c), while the site is not covered by an Article 4 Direction and permitted development rights exist, the applicant has not presented any realistic fall-back position in this case in terms of permitted development which could be weighed against the development. No weight is attributed to this other consideration.</p> <p>In terms of (d) and (e), these are considered to be neutral factors.</p> <p>Separate to the above, the Council do not consider there to be any other considerations in favour of the proposal.</p> <p>The harm identified would not be clearly outweighed by other considerations. It is therefore considered that very special circumstances necessary to justify the development do not exist.</p>
<p>Conclusion</p>	
<p>The outbuilding with external verandah would represent inappropriate development in the Green Belt and result in a material loss of Green Belt openness. No very special circumstances exist to clearly outweigh this harm. Consequently, the development would conflict with Policy GBSP1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.</p>	

Reasons for Refusal:

1. The outbuilding with external verandah would represent inappropriate development in the Green Belt and result in a material loss of Green Belt openness. No very special circumstances exist to clearly outweigh this harm. Consequently, the development would conflict with Policy GBSP1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
TDC068/PL /001		Site Location Plan & Site Plans	30 March 2021
TDC068/PL /100		Outbuilding Existing Plans	30 March 2021
TDC068/PL /200		Outbuilding Proposed Plans	30 March 2021
TDC068/PL /300		Outbuilding Existing & Proposed Front & Rear Elevations	30 March 2021
TDC068/PL /301		Outbuilding Existing & Proposed Side Elevations	30 March 2021

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 Christopher Dale
2 July 2021