

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

DELEGATED APPLICATION

Application No: 6/2021/1508/HOUSE
Location: Just House Coopers Lane Northaw Potters Bar EN6 4NJ
Proposal: Installation of an external swimming pool.
Officer: Ms Kelsey Collins

Recommendation: Granted

6/2021/1508/HOUSE

Context	
Site and Application description	<p>The application site is located on the west side of Well Road, close to the junction to Coopers Lane and comprises a two-storey detached dwelling. The main dwelling is set back from the front boundary of the plot. At the front of the property there is a vehicular hardstanding and large gravelled parking area, 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 it is adjacent to Spinney Cottage, which is a Grade II Listed Building situated immediately to the north of the application site.</p> <p>The application seeks planning permission for the installation of an external swimming pool located along the north-east boundary of the site.</p>
Constraints (as defined within WHDP 2005)	<p>LBC - LISTED BUILDING Former bakery, now cottage. Large C17 bakers - Distance: 11.54 AAS - Area of Archaeological Significance Area of Archaeological Significance : AAS43 - Distance: 0 GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0 PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0 ROW - FOOTPATH (NORTHAW 004) - Distance: 0 Wards - Northaw & Cuffley - Distance: 0 A4D - ARTICLE 4 DIRECTION - Distance: 0 HPGU - Northaw Place Gardens - Distance: 0 HPGU - Northaw Place - Distance: 0</p>
Relevant planning history	<p>Application Number: S6/2011/1777/LUP Decision: Granted Decision Date: 19 October 2011 Proposal: Certificate of lawfulness for rear dormer window</p> <p>Application Number: 6/2017/2853/HOUSE Decision: Granted Decision Date: 17 May 2018 Proposal: Erection of garage in front garden</p> <p>Application Number: 6/2018/0493/HOUSE Decision: Granted</p>

	<p>Decision Date: 17 May 2018 Proposal: Erection of single storey side extension by converting garage area into habitable space</p> <p>Application Number: 6/2018/1451/HOUSE Decision: Refused Decision Date: 14 August 2018 Proposal: Erection of first floor extension 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: 6/2018/2216/HOUSE Decision: Granted Decision Date: 11 October 2018 Proposal: Erection of first floor rear extension</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: 6/2019/0276/HOUSE Decision: Refused Decision Date: 11 April 2019 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: 6/2019/0605/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: 6/2019/2165/HOUSE Decision: Refused Decision Date: 28 October 2019 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: 6/2019/2228/LAWP Decision: Refused Decision Date: 05 November 2019 Proposal: Certificate of lawfulness for an outbuilding</p>
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	<p>Application Number: 6/2019/2952/HOUSE Decision: Granted Decision Date: 20 March 2020 Proposal: Replacement of existing timber fence with new timber fence and gates</p> <p>Application Number: 6/2020/0837/HOUSE Decision: Granted Decision Date: 10 July 2020 Proposal: Erection of basement swimming pool</p> <p>Application Number: 6/2020/1211/HOUSE Decision: Refused Decision Date: 24 July 2020 Proposal: Formation of new vehicular access following removal of existing close-boarded fence and erection of post and rail boundary fence and hedge with timber gate</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 11 June 2021 Site Notice Expiry Date: 2 July 2021 Neighbour letter		
Summary of neighbour responses	None received		
Consultees and responses	<p>Hertfordshire County Council - Historic Heritage Consultant Advisor There are no objections in principle to the installation of an outdoor pool as it is not considered to be detrimental to the settings of any of the nearby listed buildings and will not harm their significance, in accordance with Section 16 of the NPPF (2021) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>The Gardens Trust - We are concerned that there may be overall loss of tree cover and perhaps of some significant trees although we are not aware of any with a TPO in this location.</p>		
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: RA3, RA10			
Main Issues			
Green Belt			
The site is located within the Metropolitan Green Belt as defined by Local 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.			

Appropriateness

National Planning Policy Framework (NPPF) paragraph 147 advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 150 of the NPPF states that certain forms of development that are not listed within paragraph 149 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 it. It is considered that the relevant exception for the proposed swimming pool and alterations to the patio would be within 150(b), as it would be primarily an engineering operation.

Openness

There is no definition of openness in 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, as could its volume.

No elevation drawings have been provided, however, annotation on Drawing No. AR/A3/006A confirms that “the edge of the pool to be at the existing ground level and the pool itself below ground”. Therefore, whilst the swimming pool would have a relatively large footprint adding to the developed area within the curtilage of the host dwelling, it would not add any volume above ground level.

The nature of the proposal would result in the loss of an area of soft landscaping and would involve an increase in hard surfacing. Whilst this change would be visually prominent at close range, there is strong screening surrounding the application site, therefore, the proposal would only be seen within its immediate residential context. It is noted that a new 2m high fence and some boundary planting is shown on Drawing No. AR/A3/006A. Subject to a condition requiring additional landscaping details and implementation of boundary screening, it is considered that the visual impact of the proposed development would be very limited. Accordingly, the proposal would preserve the openness of the Green Belt.

Purposes

With regard to the five purposes of including land in the Green Belt, the proposal is not considered to lead to unrestricted sprawl of a large built-up area due to its rural location. For the same reasons the proposal would not contribute towards neighbouring towns merging into one another or impact upon the preservation of the setting and special character of historic towns or urban regeneration. The development would not result in encroachment into the countryside due to its siting within a residential curtilage and its close proximity to the host dwelling.

In conclusion, it is considered that proposal would meet the limitation set out within paragraph 150 and would not be inappropriate development. Therefore, it is considered that the proposed would comply with the above exception and represent appropriate development in the Green Belt.

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 overall layout of the pool and patio area is of a moderate size, located to the rear of the site and relates well to the location of the existing dwelling. The proposed use of

ceramic tiles and paving stones around it is of a good design standard and a new 2m boundary fence reduces the visual impact of the development. Overall the development would respect the design and character of the area by virtue of its design and materials.

Would the development reflect the character of the dwelling?

Yes No N/A

Comment (if applicable): See above

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

Yes No N/A

Comment (if applicable): No objections have been raised by neighbours. It is considered that the separation distance, siting and scale of the proposed development would not result in detrimental harm on the living conditions of neighbouring occupiers.

Would the development provide / retain sufficient parking?

Yes No N/A

Comment (if applicable): The proposal does not increase the amount of bedrooms and so parking is not a consideration for this application

Any other issues

Impact on heritage assets

The site is located to the south of Spinney Cottage, a Grade II listed cottage, formerly a bakery, with 17th century origins but largely dating from the 18th century. To the south west of the site is the Grade II* listed Northaw Place and grade II garden wall Northaw Place is c.1690 in date with alterations made throughout the 19th century. To the south east of the site is the Grade II listed, late 17th century Northaw House and its associated Grade II listed.

The Council's Built Heritage Consultant has commented on the application raised no objections, but noted that the existing trees and planting will be removed to accommodate the pool. As the pool is adjacent to the boundary with Spinney Cottage it is recommended that planting/hedging is included along the boundary, further details of additional plating can be reserved by condition.

Overall, the proposal would not harm the significance of this designated heritage asset and no objection is raised.

Landscaping

The Gardens Trust raised concerns that there may be overall loss of tree cover, none of the trees on the site are covered by a TPO, and drawing number AR/A3/006 states that all trees and planting to be removed will be replanted throughout the garden, and taking on board the Built Heritage Consultant comments a condition securing further planting details is considered appropriate.

Conclusion

The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, the Welwyn Hatfield District Plan and Supplementary Design Guidance.

Conditions:

1. 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) hard surfacing, other hard landscape features and materials
- (b) means of enclosure and boundary treatments
- (c) existing trees, hedges or other soft features to be retained
- (d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix

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 D1, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

2. 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 five 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.

DRAWING NUMBERS

3. 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
AR-A3-006	A	Proposed Ground Floor Plan	24 May 2021
AR/A3/003		Existing Site Plan	12 May 2021
AR/A3/001		Environmental Site Plan	12 May 2021
AR/A3/005		Proposed Site Plan	12 May 2021
AR/A3/004		Existing Ground Floor Plan	12 May 2021
Location Plan		Location Plan	14 May 2021

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. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
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.
4. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the

Homeowner Information section on their website at www.hertfordshirebc.co.uk

Determined By:

Mr Mark Peacock
18 August 2021