

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

DELEGATED APPLICATION

Application No: 6/2021/1973/FULL
Location: Manor Cottage Vineyards Road Northaw Potters Bar EN6 4PQ
Proposal: Erection of replacement residential dwelling following the demolition of existing
Officer: Ms Emily Stainer

Recommendation: Refused

6/2021/1973/FULL

Context	
Site and Application description	<p>The application property is a chalet bungalow style dwelling with habitable accommodation in the roof space. The ground levels on site decline to the south, towards the rear of the site. This change in topography enables the levels of the property to change as well, allowing a basement has been incorporated into the dwelling which is visible from the rear.</p> <p>Planning permission is sought for the erection of a replacement residential dwelling following the demolition of existing.</p> <p>A site visit was made by the case officer, 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 and photographs provided by the applicant's agent in the Design and Access Statement (DAS) and under historic applications. The specific merits of this case means that a full and complete assessment can be made in respect of this particular application.</p> <p>A design clarification statement was submitted by the applicant on 12th November 2021 in response to initial comments raised by the case officer. A bat survey was then submitted on 17th December 2021. This assessment takes into consideration both of these documents.</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 WILD - Northaw Brick Kiln Area - Distance: 0</p>
Relevant planning history	<p>Application Number: E6/1957/1479/ Decision: Granted Decision Date: 23 January 1958 Proposal: Extension to bungalow.</p> <p>Application Number: E6/1958/0396/ Decision: Granted</p>

	<p>Decision Date: 17 April 1958 Proposal: Temporary site for caravan.</p> <p>Application Number: E6/1968/0856/ Decision: Refused Decision Date: 13 June 1968 Proposal: Extension to form living room, 4 bedroom and bathroom.</p> <p>Application Number: E6/1969/0499/ Decision: Granted Decision Date: 27 March 1969 Proposal: Extension to bungalow.</p> <p>Application Number: S6/2009/1131/FP Decision: Refused Decision Date: 04 September 2009 Proposal: Erection of two storey side extension and new front gable to roof</p> <p>Application Number: 6/2017/2646/PN8 Decision: Prior Approval Refused Decision Date: 22 December 2017 Proposal: Prior approval for the erection of a single storey rear extension measuring 8m in depth, 2.8m in height and 2.541m to the eaves.</p> <p>Application Number: 6/2017/2664/LAWP Decision: Refused Decision Date: 15 January 2018 Proposal: Certificate of Lawfulness for the erection of 2x single storey side extensions, erection of outbuilding and the installation of dormer widow</p> <p>Application Number: 6/2018/0048/PN8 Decision: Prior Approval Required and Refused Decision Date: 15 February 2018 Proposal: Prior approval for the erection of a single storey rear extension measuring 8 in depth, 2.843m in height and 2.543m to the eaves</p> <p>Application Number: 6/2018/0297/LAWP Decision: Refused Decision Date: 11 April 2018 Proposal: Certificate of lawfulness for the erection of two single storey side extensions and an outbuilding</p> <p>Application Number: 6/2018/0713/PN8 Decision: Prior Approval Not Required Decision Date: 19 April 2018 Proposal: Prior approval for the erection of a single storey rear extension measuring 8m in depth, 2.441m in height and 2.280 to the eaves</p> <p>Application Number: 6/2018/1107/LAWP Decision: Refused Decision Date: 21 June 2018 Proposal: Certificate of lawfulness for the erection of side extension and outbuilding</p> <p>Application Number: 6/2018/1666/LAWP</p>
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	<p>Decision: Granted Decision Date: 04 September 2018 Proposal: Erection of single storey side extension</p> <p>Application Number: 6/2018/1967/LAWP Decision: Refused Decision Date: 05 October 2018 Proposal: Certificate of lawfulness for erection of outbuilding</p> <p>Application Number: 6/2020/1980/HOUSE Decision: Refused Decision Date: 09 November 2020 Proposal: New entrance gate and driveway</p> <p>Application Number: 6/2020/2587/PN27 Decision: Prior Approval Required and Refused Decision Date: 01 December 2020 Proposal: Prior approval for the construction of an additional storey to facilitate the enlargement of the dwellinghouse to a maximum of approximately 8.986m in height.</p> <p>Application Number: 6/2020/3347/PN27 Decision: Prior Approval Required and Granted Decision Date: 05 February 2021 Proposal: Prior approval for an additional storey on the existing property</p> <p>Application Number: 6/2021/0022/LAWP Decision: Refused Decision Date: 18 February 2021 Proposal: Certificate of lawfulness for erection of gates and supporting piers</p> <p>Application Number: 6/2021/0004/HOUSE Decision: Refused Decision Date: 09 March 2021 Proposal: Construction of new access and crossover.</p>		
Consultations			
Neighbour representations	Support: 0	Object: 2	Other: 2
Publicity	<p>Site Notice Display Date: 11 August 2021 Site Notice Expiry Date: 2 September 2021</p>		
Summary of neighbour responses	<p>Nyn Manor – We can confirm the developer has not received permission from us to alter the access road owned by us. The drawings submitted altering the existing access points along our driveway will not be permitted. The existing pedestrian and single vehicle point will remain as intended.</p> <p>48 Vineyards Road – The proposed building appears far too large and will block the openness of the green belt. It seems an anomaly if it is planned to be an increase of 50% of present building including additions that have been proposed but not built.</p> <p>Oak Chalet – I object to this application and request that you decline this for the following reasons:</p>		

	<ol style="list-style-type: none"> 1. The applicant states that the new dwelling is 46% larger than the existing dwelling including extensions, the elevations supplied show that the proposed dwelling would have a greater impact on the Green belt openness and thus would amount to inappropriate development with no special grounds to support the application. 2. The design is not in keeping with the rural character of the Northaw Common Parkland Character Area. 3. The larger dwelling would allow parking for up to 10 cars and there is no highway assessment submitted. Potential highway safety is very important in Vineyards Road. <p>Lagern – We have the following comments/uncertainties that we feel should be thoroughly challenged by Welhat planners:</p> <ol style="list-style-type: none"> 1. No very special circumstances exist to allow Green Belt development. We understand that the new building will be a 46% increase in size over the existing premises. From professional planning consultants, we understand that this represents a materially larger new dwelling than the one it replaces, in contravention of Para. 149 of the NPPF (2021). Also, SADM34 in the draft local plan is only a possible emerging policy. The long awaited Local Plan seems far from completion. 2. Any demolition and re-development will involve a lengthy spell of major traffic to and from the site. Vineyards Road already struggles with any HGV and other industrial vehicles, traffic and parking. The part of the road around Manor Cottage is particularly vulnerable. We feel that significant off-road space needs to be provided to minimise safety issues for other road users. The finished development envisages very significant hardstanding and garage space, suggesting its use by a larger number of vehicles than a family home. Again, highways safety and traffic movements need fuller consideration by Welhat Council.
<p>Consultees and responses</p>	<p>Northaw & Cuffley Parish Council – The Parish Council has considered in detail the above application and wishes to make a major objection to this application on several grounds as set out below:</p> <p>Green Belt harm - the applicant states the proposed new dwelling is 46% larger in volume than the one it replaces (including permitted development extensions). The applicant justifies this with reference to emerging policy SADM34 in the draft Local Plan (2016), which states that, in quantitative terms, up to a 50% increase in footprint, volume, and/or external dimensions (height, width) <i>may</i> be considered acceptable. Also relevant is Paragraph 149 of the NPPF (2021) which permits replacement dwellings in the Green Belt only where the new dwellings is not materially larger than the one it replaces. Firstly, Policy SADM34 is an emerging policy and as such cannot be afforded full weight. Secondly, the draft policy is clear that the impact cannot be assessed quantitatively and a qualitative assessment will also be undertaken to assess aspects such as scale, bulk and massing within the site context alone. In qualitative terms, the 3D views and elevations show the proposed dwelling would clearly have a greater impact on Green Belt openness and be materially larger than the existing dwelling, incorporating a tall pitched roof, an excessive number of large windows, and extending the area of hardstanding on site. It would therefore be inappropriate Green Belt development which can only be approved in very special circumstances. These very special circumstances do not exist.</p>

Landscape impact - the design of the proposed dwelling would appear more suburban than the existing house. This is at odds with the defining rural character of Northaw Common Parkland Character Area (as assessed in the 2005 Landscape Character Assessment).

Loss of undeveloped land - the proposal would result in a loss of currently undeveloped land to hardstanding. As well as contributing towards Green Belt openness, undeveloped land supports natural drainage and biodiversity and its loss would undermine these key functions.

No highways assessment - the proposals replace a 2-bed dwelling with a 4-bed dwelling. The proposals include a large triple garage and additional parking area which could feasibly be used to park up to 10 vehicles. New access points are proposed to the private road but no detailed scaled plans are provided with the application. No highways assessment has been submitted by the applicant to allow the local authority to consider potential highways safety and potential trip generation impacts.

No ecology survey - the proposals include the demolition of an existing building that may provide suitable habitat for bats. As a protected species, a survey of the existing building should be undertaken and be submitted in support the application.

Herts and Middlesex Wildlife Trust – Objection - Bat survey required before application can be determined. Once a suitable survey has been submitted and approved, the objection will be withdrawn provided any required actions are implemented in the planning approval. The design of the building is suitable for bats, it is situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity. If present the development would result in breaches of the legislation protecting bats and their roosts. Consequently there is a reasonable likelihood that bats may be present. ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted. Therefore a bat survey should be submitted and approved before the application can be decided.

HCC Transport Programmes & Strategy – The site is accessed off a private drive and the Highway Authority are limited in what it can reasonably require. The application should provide more information on refuse collection and provide EV charging infrastructure. However, the site is accessed from a Highways Maintainable road therefore the above informatives are applicable.

Hertfordshire Ecology – No response.

WHBC Client Services – Replacement dwelling will have no impact on existing refuse and recycling services

WHBC Public Health and Protection – Recommend planning permission is permitted subject to suggested informatives.

Relevant Policies

- NPPF
- D1 D2 GBSP1 GBSP2 M14
- Supplementary Design Guidance Supplementary Parking Guidance Interim Policy for

car parking and garage sizes

Others:

SD1 Sustainable Development
R1 Maximising the Use of Previously Developed Land
R11 Biodiversity and Development
RA4 Replacement of Dwellings in the Green Belt
RA10 Landscape Regions and Character Areas
D8 Landscaping

Draft Local Plan Proposed Submission August 2016:

SP1 Delivering Sustainable Development
SP3 Settlement Strategy and Green Belt Boundaries
SP4 Travel and Transport
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 within the Green Belt

Main Issues

Green Belt

Appropriateness

The National Planning Policy Framework (NPPF), in paragraph 149, 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 (d) is engaged in this case and explains that the replacement of a building is acceptable provided the new building is in the same use and not materially larger than the one it replaces.

District Plan Policy RA4 applies to replacement dwellings in the Green Belt and says permission will not be granted unless it would not materially exceed the size of the original dwelling in terms of its floor space, height and volume, the proposed dwelling would have no greater visual impact in terms of prominence, bulk and design on the character, appearance and pattern of development of the surrounding countryside and the proposed dwelling is designed to accord with the design policies elsewhere in the plan and the supplementary design guidance. Criteria (i) of this policy is not consistent with the NPPF as it requires a comparative assessment against the original building, therefore limited weight is afforded to this part. However, criteria (ii) and (iii) do indicate that the visual impact of a replacement dwelling is relevant.

Emerging Local Plan Policy SADM34 deals with replacement buildings and seeks for replacement new buildings to not be materially larger than the ones they replace. It also states that they must remain in the same use and considers the location of the replacement buildings and their prominence within the landscape, as well as the extent to which the proposed development should be consistent with the general pattern of development and character of the area.

The main part of the existing dwelling is predominantly on the ground floor. The roof space currently accommodates a bedroom with an en-suite and a study room. The lower ground level of the property is a basement. The property itself is finished with a simple pitched roof and two gable ends, a rear

dormer with a flat roof, a conservatory and a flat roof addition at single storey at the front. There are also some small outbuildings scattered around the dwelling. The property has an eaves height of approximately 2.1m above ground floor level at the front and approximately 3.4m at the rear due to the change in levels. The ridge height at the front is approximately 5.5m above ground floor level and the front and approximately 6.85m at the rear.

The proposed dwelling would be in the same residential use as the existing building. The replacement dwelling would have varying eaves heights that would be larger than existing and a much taller ridge height compared to the existing dwelling. The footprint of the proposed dwelling would be nearly three times larger than existing. The external floor area of the existing dwelling is approximately 267.5sqm which would increase to approximately 609sqm. As the first floor extension, single storey side and single storey rear extensions which have been granted under prior approval/certificate of lawfulness applications have not been constructed yet (they are not shown on the existing drawings and were not constructed at the time of the case officers visit), they have not been included in the existing calculations of the building. The planning statement implies these have been implemented but this was not evident at the time of the site visit, which was after the application had been submitted and no evidence has been submitted subsequently.

The NPPF refers to the replacement of a building (singular) under exception 149(d), as discussed above. However, supporting paragraph 25.11 of the Council's Emerging Local Plan (2016) sets out that other existing structures in a site due to be demolished may be combined to 'offset' an increase in volume or footprint. The example given in this paragraph of the plan is a situation in which a proposal for a replacement house includes an integral garage following the demolition of a detached garage. In that scenario, the wording sets out that the volume/footprint of the existing garage could be combined with that of the main house before establishing to what extent it can be enlarged. However, criteria i) of the replacement building paragraph of Policy SADM34 also notes that replacement dwelling existing outbuildings (including detached garages) will not contribute to the calculation of the size of a replacement dwelling **except** in very exceptional circumstances. As a result of the above discussion, it is reasonable to conclude that the replacement dwelling would be of a significantly larger size to existing, therefore it would materially exceed the existing building in a quantitative manner.

By virtue of its bulkier design, appearance and increased height, the proposed dwelling would have a greater visual impact upon the area. It would be quite significantly more prominent than the existing dwelling and as such, would have a corresponding impact upon the character and openness of the area. It is therefore considered that the second criterion of Policy RA4 and the guidance in Policy SADM34 of the emerging Local Plan would not be met by the proposed development.

The third criterion of Policy RA4 is that the proposed dwelling should be designed to reflect the character and distinctiveness of its rural setting and to accord with the design policies elsewhere in the plan and the Supplementary Design Guidance. The criterion seeks to ensure that the impact on the character and appearance of the Green Belt is acceptable. This requirement is linked to District Plan Policies D1, D2 and RA10.

The existing dwelling is finished with render, brickwork and a pantile pitched

roof, in addition to smaller ground floor elements and a flat roof dormer at the back. Given the difference in land levels and access driveway which leads to Nyn Manor, the property is relatively visible from public vantage points, including from the main road (Vineyards Road). Whilst there is a hedgerow which extends most of the length of the eastern boundary of the site, the property (its rear elevation in particular) are still visible from public vantage points on the road. The direct neighbouring buildings to the site differ in character and design as they form a row of 4 terrace style cottages which have their frontages facing Vineyards Road. Comparatively, Manor Cottage has its principal elevation facing to the north, towards the access road to Nyn Manor Farm. On the opposite side of Vineyards Road are two large properties named Fairfields and Glenside. These properties are much larger in size than the cottages to the north of the application property, but they are set further back from Vineyards Road and partially screened by the dense vegetation along the boundary.

The replacement dwelling would be finished with stone and slate roof tiles. The main building line would be set back from the frontage of the site by approximately 4.7m further than the existing main building line, which would reduce its prominence from some viewpoints as it would be sited on lower land compared to the existing property. Due to the plot size, it would also not appear cramped in its plot. Notwithstanding the above, there are concerns that the increased and overall bulk and massing of the dwelling would impact negatively upon the rural character of the area. The proposed dwelling would be of a significantly larger scale at first floor level than existing, would incorporate a crown roof with a total of 9 dormer windows with pitched roofs and would involve a substantial increase in glazing compared to the existing property, resulting in a more contemporary and elaborate appearance overall to the existing building. The boundary hedging may mitigate this to some extent and it is acknowledged that there are variations in design in the immediate area. However, there is no doubt that the additional height, bulk and massing combined with the more elaborate finish of the resultant dwelling would inevitably have more of an urbanising visual impact than the simple pitched roof dwelling and single storey outbuildings that currently exist on site. As a result, the proposed dwelling would have a materially different character to the existing dwelling.

In conclusion, with regard to Policy RA4 of the District Plan, Policy SADM34 of the emerging Local Plan and national planning policy relating to replacement dwellings in the Green Belt, the development is considered to be inappropriate development within the Green Belt, which by definition is harmful.

Openness

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 and openness is capable of having both spatial and visual aspects. In other words, the visual impact of the proposal may also be relevant. The duration of the development, degree of activity, specific characteristics of the proposal and its setting are also relevant when making an assessment.

The replacement dwelling would be more prominent than the existing dwelling, by virtue of its increased width, bulk and mass at first floor, which is

	<p>exacerbated by the additional glazing, fenestration arrangement and crown roof design. As the replacement dwelling would increase the amount of built form on site above ground floor level and materially exceed the existing property in a number of ways, it would also impact on openness. Furthermore, a more substantial area of hard surfacing would be incorporated at the front of the dwelling.</p> <p>The replacement building is therefore viewed to have a greater impact upon the openness of the Green Belt than the existing dwelling. It is concluded that the proposal would result in substantial harm to the openness and visual amenity of the Green Belt. This substantial harm is in addition to the substantial harm resulting from the development being inappropriate within the Green Belt for the reasons identified above.</p> <p><u>Purposes of the Green Belt</u></p> <p>It is necessary to consider whether the proposal would result in greater harm to the five purposes of including land in the Green Belt outlined in Paragraph 138 of the NPPF. Firstly, the proposal would not lead to unrestricted sprawl of a large built-up area due to its location within the existing footprint of the residential site. Due to its limitation within the existing residential plot it would not contribute towards neighbouring towns merging into one another. The development would not encroach any further into the countryside than the existing residential plot and would have no adverse harm to the rural character of the countryside. It would not impact upon the preservation of the setting and special character of historic towns or assist in urban regeneration, due to its limited nature and rural setting which is not closely sited to a historic town. The development would therefore be in accordance with Paragraph 138 of the NPPF.</p> <p><u>Summary</u></p> <p>In summary, the proposed development is not considered to fall within any of the exceptions identified in the NPPF and is inappropriate development in the Green Belt, which by definition would result in harm and should not be approved except in very special circumstances. As outlined at paragraph 148 of the NPPF, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. As a consequence substantial weight must be attached to this harm. The key issue therefore is whether very special circumstances exist to outweigh the harm caused, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. An assessment of whether very special circumstances exist is carried out at the end of this report.</p>
<p>Impact on neighbours</p>	<p>Two comments and two objections have been received from neighbouring properties. The main bulk of the proposed replacement dwelling would be located approximately 18m away from the nearest residential property opposite (Nyn Manor Farm Cottage). Due to the siting of the proposed building away from other neighbouring properties it is not considered that it would result in an unduly overbearing impact or a loss of light amenity.</p> <p>In terms of privacy, the proposal would incorporate windows in the front elevation which would be significantly larger and at a higher level than the existing dwelling and the prior approval approved application with a first floor addition. There are no windows in the flank elevation of the nearest property,</p>

	<p>therefore it is unlikely to cause significantly more overlooking into habitable windows in this regard. However, it may result in more direct views towards the rear garden of Nyn Manor Farm Cottage. Whilst this is acknowledged, the dwelling would be set back some distance from the property and the neighbouring dwelling forms part of a row of terraced dwellings, all of which have rear windows at first floor. As such, it is viewed that there is some degree of overlooking at present and the proposal would not significantly exacerbate this. Therefore, the proposal is found to be appropriate on the grounds of neighbouring amenity.</p>
<p>Access, car parking and highway considerations</p>	<p>A substantial area of hardstanding is proposed at the front of the site. The County Highway Authority have been consulted and note that as the site is accessed off a private drive, the Highway Authority are limited in what they can reasonably require in terms of level of detail. Therefore, no objections were raised in principle to the additional access, although it was noted that the level of detail was limited and more detailed plans should be provided. This could be reserved by condition if necessary. A construction management plan has also been recommended in the event that permission is granted, in order to minimise impacts on the main road. The owners of Nyn Manor have commented on this aspect of the proposal to explain that the applicant has not received permission to alter the access road and the plans to alter the existing access points will not be permitted. Whilst this is noted and an advisory note would be provided in the event of permission being granted, this is considered to be a civil matter between the relevant parties and not a material planning consideration.</p> <p>In terms of parking, the proposed garage can accommodate at least 2 vehicles and there is a significant hardstanding proposed at the front of the site for additional vehicles. Therefore, no concerns are raised in this regard. If the proposal was recommended for approval, Electric Vehicle (EV) charging points may be required as part of a planning condition in the interests of tackling climate change and encouraging sustainable development.</p>
<p>Ecology and Biodiversity</p>	<p>The NPPF outlines in paragraph 174 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>Part of the application site is situated within a Local Wildlife Sites (LWS) named Northaw Brick Kiln Area. The design of the building is also suitable for bats, and as it is situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity, Herts and Middlesex Wildlife Trust have been consulted as part of this application. They outlined in their response that there is a reasonable likelihood that bats may be present, therefore a bat survey should be submitted and approved before the application can be decided, and that mitigation measures may be required if bats were discovered.</p> <p>A Preliminary Roost Assessment was provided on 17th December 2021. However, due to the recommendation of the application being for refusal on Green Belt grounds and the bat survey not being requested by the case officer, the appropriate re-consultations have not been undertaken to the Herts and Middlesex Wildlife Trust and Herts Ecology. It is therefore unclear if the submitted survey is acceptable or if the proposed development would result in harm to the biodiversity of the site. As such, the appropriate assessment of the</p>

	<p>proposal cannot be properly considered in terms of the Habitats Regulations and against the relevant local and national planning policies. In the event of permission being granted, further mitigation measures and future biodiversity enhancements may be required by way of condition.</p>					
<p>Very Special Circumstances (VSC)</p>	<p>Paragraph 147 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 148 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. Accordingly planning permission cannot be granted unless the application demonstrates Very Special Circumstances (VSC). This is a matter of planning judgement for the Council, based on relevant material planning considerations. However, the test is a stringent and demanding one. VSC requires a set of circumstances that are compelling and outside the norm. These must clearly outweigh the harmful effects of the development, and harmful effects to the Green Belt must be given substantial weight.</p> <p>The planning statement suggests that the area of the existing outbuildings equal 90sqm but it is unclear how this figure has been reached. The existing floor plans indicate that the floor area of the garage and area attached to it to measure approximately 49.5sqm. This figure is not consistent with the existing site plan which shows the same area as measuring approximately 32sqm. The planning statement describes the existing conservatory as measuring 15sqm, which is the figure which is reached when it is measured on the existing floor plans. Therefore, the existing floor plans have been scaled for the purposes of this VSC assessment instead of the submitted site plan. It is unclear which other outbuildings have been included in the 90sqm figure presented by the agent and what their uses are/floor areas are, as only an indicative site plan has been submitted with a scale which differs to the existing floor plans.</p> <p>The combined floor area of the existing property and detached garage/outbuilding equals approximately 317sqm (267.5sqm + 49.5sqm). The emerging policy SADM34 states that other existing structures in a site due to be demolished may be combined in some scenarios to 'offset' an increase in volume or footprint. However, this is not the sole basis of the VSC argument which has been put forward by the applicant, which also relies on an extant permission for prior approval for an additional storey (application reference: 6/2020/3347/PN27), prior approval for a single storey rear extension (application reference: 6/2018/0713/PN8) and a certificate of lawfulness for a single storey side extension (application reference: 6/2018/1666/LAWP).</p> <p>No scaled floor plans have been submitted of the extant certificates of lawfulness/prior approvals combined, only elevations. Indicative plans are shown in the DAS, planning statement and design clarification statement with some written dimensions but these do not provide a full breakdown of the floor area. The Council's historic records have therefore been consulted and additional floor areas calculated for each floor using the submitted plans for those proposals:</p> <table border="1" data-bbox="475 2004 1481 2033"> <thead> <tr> <th>Ref Number</th> <th>Basement</th> <th>Ground Floor</th> <th>First Floor</th> <th>Second Floor</th> </tr> </thead> </table>	Ref Number	Basement	Ground Floor	First Floor	Second Floor
Ref Number	Basement	Ground Floor	First Floor	Second Floor		

	(sqm)	(sqm)	(sqm)	(sqm)
6/2018/0713/ PN8	N/A (no change)	120 sqm (8m x 15m)	N/A (no change)	N/A
6/2018/1666/ LAWP	N/A (no change)	49sqm (7m x 6.485m)	N/A (no change)	N/A
6/2020/3347/ PN27	N/A (no change)	N/A (no change)	92.5sqm	140sqm
Total Additional Floor Space:	N/A (no change)	169sqm	92.5sqm	140sqm

The external floor area of the existing dwelling is approximately 267.5sqm which would increase to approximately 609sqm as a result of the proposal. The existing floor area calculation (approximately 267.5sqm) plus the additional floor area in the table above (approximately 401.5sqm) would equal 669sqm. The planning statement suggests the fallback would be a combination of the existing property/extensions and extant permissions but excludes the conservatory, which measures approximately 15sqm as set out above. When the conservatory floor area is deducted this leaves a figure of approximately 654sqm, which is more than the approximate proposed floor area above.

The height has also been referred to as part of the VSC argument, with particular reference to the prior approval application for an additional storey. The eaves height of the extant permission for the additional storey (6/2020/3347/PN27) is approximately 5.6m and approximately 9m to the ridge at the front of the property. The proposed dwelling would have roughly the same eaves height (at its highest level as the eaves height differs) and the main ridgeline would sit just below that of the approved dwelling with the additional storey due to the difference in land levels (as indicated on the proposed elevations). The main part of the approved dwelling with an additional storey (minus the outbuilding) has a total width of approximately 23m, with the part which extends above ground floor level measuring approximately 19m in width. The resultant dwelling which is proposed as part of this application would have a total width of approximately 29.2m. Although some elements are set down from the ridgeline of the highest part of the house, the full width of the dwelling would extend above ground floor level, increasing the bulk and massing of the property at first floor compared to the fallback position which comprises a reduced width at first floor. Similarly, the depth of the approved PD elevations would measure approximately 7.8m as shown on the submitted plan, whereas the resultant dwelling would measure approximately 13m in depth at first floor level.

Whilst it is acknowledged that the consolidation of some of the outbuildings and the single storey elements would reduce the amount of built form across the site and the land levels would differ somewhat (which would reduce the impact of the additional depth and width), it is important to note that the additional bulk and massing would still be apparent from the main road (Vineyards Road), in addition to the front of the site which faces the private driveway. This would be exacerbated by the design which is more complex and elaborate in appearance than the simple pitched roof of the extant prior approval building with an additional storey. The additional glazing would also increase the prominence of the dwelling within the wider landscape.

In terms of volume, a large amount of emphasis has been placed on the extant

alterations increasing the overall volume of the existing dwelling to a figure which would be in excess of that of the proposal. The submitted planning statement sets out that “the proposed development would not exceed the volume of the existing house and the implemented extant permissions”. It should be noted that the planning statement refers to a section of Emerging Policy SADM34 with the following text:

“In determining what would constitute a disproportionate extension to a building, a quantitative and qualitative assessment will be undertaken. In quantitative terms, proposals that would result in the footprint, volume and/or above ground external dimensions (height, width) of a building being 50% greater than the original building would generally be refused.”

It is important to note that this Policy applies to applications which are for extensions to an existing dwelling, not replacement buildings, where the comparison will be made against the **original** dwelling (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). The following volume calculations have also been included in the planning statement:

*Main House including an additional 50% = 1155m³ (770m³ x 150%)
Existing extensions and permissions excluding the conservatory = 1229m³
Upper volume limit for the proposed building = 2384m³ above ground level*

The proposed new dwelling house = 2376 m³ above ground level

The above calculations do not specify if the original property (as set out in policy) has been taken into consideration in this calculation as it is described as the ‘main house’. Furthermore, as a planning application seeking a proposal for extensions up to 50% more than the original building has not been sought and approved, this is not viewed to be relevant to the replacement dwelling assessment which requires the dwelling to not materially exceed its existing size.

Therefore, in summary, due to its notable increase in width, depth and bulk, particularly at two storey level and along with the contemporary design and further glazing compared to the approved two storey dwelling with single storey subordinate elements, it is considered the new dwelling would appear larger and more prominent in the landscape than either the existing dwelling or a separate scheme which benefits from prior approval.

In light of the above, it is concluded that the proposed development would not clearly outweigh the substantial weight that is attached to Green Belt harm by reason of inappropriateness and loss of openness, and subsequently the very special circumstances necessary to justify the development do not exist. It is further concluded that as a result, the proposed development would conflict with the National Planning Policy Framework taken as a whole and Policies RA4 and GBSP1 of the Welwyn Hatfield District Plan 2005 and Policy SADM34 of the Welwyn Hatfield Draft Local Plan Proposed Submission August 2016.

Conclusion

The proposed development would be in conflict with the relevant national and local planning policies.

Reasons for Refusal:

1. The proposed development, which is located on land designated as Metropolitan Green Belt, would constitute inappropriate development, causing harm to the openness of the Green Belt, which is by definition harmful to the Green Belt. Additionally further harm is caused to the visual amenities 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. Accordingly, the proposal fails to comply with Policies RA4, RA10 and D2 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance; Policies SADM1 and SADM34 of the Draft Local Plan Proposed Submission 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.

REFUSED DRAWING NUMBERS

3.

Plan Number	Revision Number	Details	Received Date
TDC065/PL /POC		Location Plan	29 June 2021
TDC065/PL /041		Approved PD Elevations	29 June 2021
TDC065/PL /050		Proposed Floor Plans, Block Plan & 3D Visuals	29 June 2021
TDC065/PL /051		Proposed Elevations	29 June 2021
TDC065/EX /010		Existing Floor Plans & Block Plan	29 June 2021
TDC065/EX /011		Existing Elevations	29 June 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 Mark Peacock
2 February 2022