

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

DELEGATED APPLICATION

Application No: 6/2021/2571/FULL
Location: Judges Judge's Hill Northaw Potters Bar EN6 4NL
Proposal: Erection of a single storey building to rear for use as additional dining space for existing restaurant
Officer: Ms Ashley Ransome

Recommendation: Refused

6/2021/2571/FULL

Context	
Site and Application description	<p>Judges (formerly The Sun Inn) is a Grade II listed building (list entry number: 1173908) dating to the seventeenth century with late eighteenth-early nineteenth century extensions and re-fronted c.1900. The building is also located within the Northaw Conservation Area which includes the core of the historic village centred on the triangular village green between Judges and the Grade II* listed, late Victorian Church of Thomas a Becket (list entry number: 1348170). Within close proximity to Judges (to the north-west) is Vernons House also listed at Grade II (list entry number: 1100977) and dating from the seventeenth century with substantial eighteenth century rebuilding.</p> <p>The proposal involves the erection of a single storey building to the rear for use as additional dining space for the existing restaurant.</p> <p>It should be noted that a concurrent Listed Building Consent application was submitted under reference 6/2021/2815/LB. However, this was withdrawn due to the failure to provide the relevant information to validate the application. Notwithstanding this, the applicant is advised that Listed Building Consent would still be required for such a proposal.</p>
Constraints (as defined within WHDP 2005)	<p>CA - Conservation Area: NORT; - Distance: 0 LBC - LISTED BUILDING Public house. C17 timber framed inn in L shape, - Distance: 0 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 HEN - No known habitats present (high priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0</p>
Relevant planning history	<p>Application Number: E6/1959/0018/ Decision: Granted Decision Date: 19 March 1959 Proposal: Site for house.</p>

Application Number: E6/1960/0160/
Decision: Granted
Decision Date: 18 February 1960
Proposal: Erection of house and garage

Application Number: E6/1964/2735/
Decision: Granted
Decision Date: 06 January 1965
Proposal: Extension to car park & 3 garages.

Application Number: E6/1973/3208/
Decision: Granted
Decision Date: 05 September 1973
Proposal: Rear extension to bar, entrance porch at side and internal alterations

Application Number: S6/1975/0027/AD
Decision: Granted
Decision Date: 29 August 1975
Proposal: Reposition pole swing sign, 2 new car park directional signs and 2 name signs.

Application Number: S6/1975/7027/AD
Decision: Granted
Decision Date: 29 August 1975
Proposal: Reposition pole swing sign, 2 new car park directional signs and 2 name signs

Application Number: S6/1982/0483/
Decision: Granted
Decision Date: 20 January 1983
Proposal: Entrance porch.

Application Number: S6/1988/1068/LB
Decision: Granted
Decision Date: 05 December 1988
Proposal: Internal alterations

Application Number: S6/1992/7033/AD
Decision: Granted
Decision Date: 28 September 1992
Proposal: Externally illuminated panel sign

Application Number: S6/1992/0530/LB
Decision: Granted
Decision Date: 28 September 1992
Proposal: Alterations to rear elevation including enlarged window opening; formation of new door; enlarged door opening and insertion of french doors

Application Number: S6/1992/0569/LB
Decision: Granted
Decision Date: 28 September 1992
Proposal: Erection of externally illuminated panel sign

Application Number: S6/1993/0531/FP
Decision: Granted

Decision Date: 27 September 1993
Proposal: Erection of a porch over rear door

Application Number: S6/1993/0532/LB
Decision: Granted
Decision Date: 27 September 1993
Proposal: Erection of porch to rear door

Application Number: S6/2008/1879/FP
Decision: Granted
Decision Date: 28 November 2008
Proposal: Change of use of existing store room and function room to restaurant (A3) to be used in conjunction with existing public house to create mixed used A3/A4

Application Number: S6/2008/1880/LB
Decision: Granted
Decision Date: 28 November 2008
Proposal: Demolition of internal walls to create new restaurant from existing store room and function room

Application Number: S6/2012/1187/FP
Decision: Granted
Decision Date: 01 October 2012
Proposal: Installation of 16 ground-mounted solar panels

Application Number: 6/2017/1267/LB
Decision: Granted
Decision Date: 12 September 2017
Proposal: Internal alterations including refurbishment of existing porch and demolition of existing external store rooms

Application Number: 6/2017/1286/FULL
Decision: Granted
Decision Date: 12 September 2017
Proposal: Change of use of first floor from residential (C3) to public house (A4).

Application Number: 6/2018/1993/ADV
Decision: Withdrawn
Decision Date: 03 October 2018
Proposal: Withdraw: Retention of 1 x externally illuminated and wall mounted lettering sign

Application Number: 6/2019/1156/ADV
Decision: Granted
Decision Date: 06 September 2019
Proposal: Retention of 1x post mounted illuminated hanging sign

Application Number: 6/2019/1277/FULL
Decision: Refused
Decision Date: 06 September 2019
Proposal: Retention of single storey rear extension and two canopies

Application Number: 6/2019/1769/LB
Decision: Refused

	<p>Decision Date: 11 September 2019 Proposal: Retention of single storey rear extension and 2x canopies</p> <p>Application Number: 6/2021/2815/LB Decision: Withdrawn Decision Date: 24 March 2022 Proposal: Demolition of existing sheltered seating area and erection of a replacement single storey detached dining room</p>		
Consultations			
Neighbour representations	Support: 0	Object: 8	Other: 0
Publicity	<p>Site Notice Display Date: 18 January 2022 Site Notice Expiry Date: 8 February 2022 Press Advert Display Date: 19 January 2022 Press Advert Expiry Date: 9 February 2022 Neighbour Letters</p>		
Summary of neighbour responses	<p>Vernons House Judge's Hill Northaw Potters Bar EN6 4NL</p> <ul style="list-style-type: none"> • The development is in a designated conservation area right beside two Grade II listed buildings It does not make a “positive contribution to the character of the area” • This would represent retrospective approval for a facility covering roughly the same area and performing the same function as one the council has already ordered to be taken down, has had planning permission denied and the appeal rejected. Approval therefore would be a very dangerous precedent as it would endorse a blatant attempt to ignore and get round planning legislation. • Since Judges opened in 2017 it has been often been used as a nightclub or party destination, and it has been available for rent for parties and functions. The illegal conservatory, providing the same facility as the proposed building, is vital in this regard as it offers the possibility to have parties in the garden, with at times a hundred or more guests (once even 500), with the assurance of cover in the event of bad weather. • The facility’s use as a nightclub or party area has been associated with loud music and at times anti-social behaviour. This caused us great distress and anxiety since it opened well over four years ago. After a year, a Noise Abatement Order (“NAO”) was issued. It was subsequently breached several times, on several occasions witnessed by the Environmental Health Officers (“EH”) <p>48 Vineyards Road Northaw Potters Bar EN6 4PA</p> <ul style="list-style-type: none"> • A basic objection is the lack of parking. Advertising on social media, vast numbers come in their cars to the numerous events now held at the pub. Evenings and lunchtimes, there are cars parked all over the local pavements and even on the Green itself. <p>4 Northaw Road West Northaw Potters Bar EN6 4NR</p> <ul style="list-style-type: none"> • PARKING: Legal parking is often difficult in the village under normal circumstances. On weekends, particularly in the summer months, the pavements are blocked up and down the roads by Applicant's guests until the early hours. • TRAFFIC: When cars are parked on the pavement, the Main road is reduced to a single lane near a blind bend. • NOISE: Very often, loud thumping music is heard throughout the area until 		

late. Granting this application will exacerbate the noise and inconvenience for villagers.

115 Brookside Crescent Cuffley Potters Bar EN6 4QP

- Objection to this application is that this beautiful area is not suitable for such a venue spoiling the quiet enjoyment that local people have in their own homes wanting to relax and having excessively loud music that they do not wish to hear and disrespectful chatter from people leaving the building.
- Parking for this venue has been totally inadequate and extremely dangerous with patrons not having any respect or care for where they park.

Northaw and Cuffley Residents Association

- This business opened in November 2017 and has been the subject of several previous applications, including 6/2019/1277/FULL and 6/2019/1769/LB. These were refused and an appeal was rejected in April 2021. Judges was given six months from 26 April 2021 to dismantle the alleged “temporary” structure on the site of the present application to build a permanent structure there. The “temporary” structure still stands after around nine months!
- We understand that when enforcement action was previously taken by the Council and the then structure was taken down, within two days a large marquee was erected on the same spot and within weeks the structure was largely reassembled. Planning Permission for that was denied in 2019.
- We also understand that there is a history of action by Environmental Health Officers regarding noise nuisance, including the issue of more than one Noise Abatement Order and the confiscation of relevant audio equipment.
- Given the nature of their business, noise would be an even greater problem if they are allowed to extend their premises even closer to nearby homes. Not only will the noise be intolerable during the events but also as patrons leave the premises, often very late at night after having had plenty to drink.
- The space for parking on Judges’ site is already totally inadequate. Permanently removing what could otherwise be additional parking space will not improve the present hazardous parking which reduces Vineyards Road to a single lane and/or blocks the use of pavements by pedestrians. Patrons even park on the Village Green

8 Northaw Road West

- When Judges opened in 2017, they erected a very large structure which the council eventually enforced the removal. Within a few days a large marquee replaced it and within a few weeks the previous structure reappeared. Planning permission for this structure was denied in 2019 and the appeal was rejected in 2021. Judges were asked to dismantle the structure, but it still exists.
- Judges car park has about 16 or 17 parking spaces. I don’t know if it is illegal to park on the pavements instead of parking on the road, but Vineyards Road, Northaw Road West and Judges Hill have all become the overflow car park for Judges PH.

The Old Vicarage Vineyards Road Northaw Potters Bar EN6 4NZ

- Noise levels: already excessive during summer months and throughout the year when people are arriving and leaving the premises. This extends into the evening when children are unable to sleep with a window open.

	<p>Similarly, in the summer, use of our garden is affected by the noise levels.</p> <ul style="list-style-type: none"> • Antisocial behaviour and public health concerns • Environmental damage: these events have in the past and will continue in the future to impact on our natural environment, both in terms of the damage done on the day and the litter that is found for weeks afterwards • Traffic and parking: The village already struggles with road safety with speeding traffic, unsociable racing of bikes and cars with load engines, and narrow pavements.
<p>Consultees and responses</p>	<p>Hertfordshire County Council - Historic Environment Advisor</p> <ul style="list-style-type: none"> • If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations, and to provide information on professionally accredited archaeological contractors who may be able to carry out the necessary work. <p>Northaw & Cuffley Parish Council</p> <ul style="list-style-type: none"> • The noise disturbance is a concern for local residents and neighbours of this property along with the regular and disruptive parking on verges and footpaths. Please see attached photographs provided showing examples of the disruptive parking. • There should be parking restrictions and mitigation included to limit the disruption to local residents with regards on street parking. <p>Welwyn Hatfield Borough Council - Councillor Bernard Sarson</p> <ul style="list-style-type: none"> • Objection to Planning Application 6/2021/2571/FULL <p>Welwyn Hatfield Borough Council - Councillor George Michaelides Objection</p> <ul style="list-style-type: none"> • The proposed development is in a designated conservation area, in a village setting with limited parking available. • The loud music associated with its use as a night club is a cause for concern especially since a Noise Abatement Order was breached on a number of occasions. • Patrons leaving the premises in the early hours of the morning, disturb the residents and drop litter in the surrounding roads. • It would be unfair for the application to be approved retrospectively as it will be seen as rewarding those who have flouted planning regulations all along. <p>Place Services - Conservation Officer</p> <ul style="list-style-type: none"> • An objection is raised as the proposed building is considered to be detrimental to the setting of the listed building and harmful to its significance. The proposal is considered to result in 'less than substantial' harm to the significance of the listed building. <p>WHBC - Public Health and Protection</p> <ul style="list-style-type: none"> • No information has been provided to demonstrate sufficient noise mitigation and to provide the insulation properties of the structure to control noise breakout. I therefore recommend that the application is refused.
<p>Relevant Policies</p>	
<p><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 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</p>	

Others:

RA2- Development in Settlements in the Green Belt

R19- Noise and Vibration Pollution

Draft Local Plan Proposed Submission August 2016:

SP1- Delivering Sustainable Development

SP9- Place Making and High Quality Design

SADM11- Amenity and Layout

SADM12- Parking, Servicing and Refuse

SADM15- Heritage

SADM18- Environmental Pollution

SADM34- Development in the Green Belt

Main Issues

Background

As viewed within the planning history section of the report, the site has a varied and detailed history, with recent history relating to unauthorised developments taking place since the new owners took over the site in 2017.

An outbuilding was constructed at the site during October/November 2017 which the owner stated was a temporary structure under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The enforcement officer at the time advised the owner verbally and later in writing to remove the structure after the event. However, the structure remained in situ after 28 days and it was continued to be used as an outdoor seating area for the restaurant with music. No permission had been granted for its retention and thus the outbuilding was unauthorised.

An enforcement notice was served on the 15th May 2018 and to take effect from the 15th June 2018 for the removal of the outbuilding and any associated paraphernalia within one month. The enforcement notice was withdrawn on the 14th June 2018, with the outbuilding removed. Marquees were then erected to the rear of the building but were later removed in the autumn of 2018.

However, in January 2019 two large umbrellas were erected in the same area, and it was later found that a more permanent structure had been erected beneath. This was considered to be a single storey rear extension which included drainage and underfloor heating. Again, an enforcement notice was served at the end of April 2019 which required the single storey rear extension to be removed, along with the 'Jumbrellas) and any making good, along with other elements. Instead, the owners submitted applications for planning permission and listed building consent for the retention of the structures. The applications, under references 6/2019/1277/FULL and 6/2019/1769/LB, were refused permission in September 2019. The owner appealed the refusals which were later dismissed in April 2021.

Following the above, the current application was then submitted.

It should also be acknowledged that there is a history of action by Environmental Health Officers regarding noise nuisance at the site, including the issuing of more than one Noise Abatement Order and the confiscation of relevant audio equipment.

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 149 explains that construction of new buildings should be regarded as inappropriate in the Green Belt, except for listed exceptions. One relevant exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Welwyn Hatfield District Plan 2005 (District Plan) Policy GBSP1 recognises the important role of the Green Belt in the district. District Plan Policy RA2 allows for housing, employment, local facilities, services and leisure to be permitted to accommodate the specific needs of the settlement and the surrounding local rural area.

Emerging Policy SADM34 outlines the requirement of the proposed development to be proportionate the original size of the building in terms of bulk, scale, height and massing. Under Policy SADM34, consideration is given to the consistency of the proposal, in relation to the general pattern of development, character of the area and prominence within the landscape.

Permission for extensions to existing buildings within the Green Belt will be allowed only where the proposal would not individually, or when considered with existing extensions to the original building, result in a disproportionate increase in size of the building. For the purpose of this application, a comparison must be made with the original building as it existed in 1948.

Neither the NPPF nor the Development Plan 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 floor area are commonly used indicators, however, as well as mathematical calculations, the visual impact of the extension has to be considered.

Following a review of the planning history, and according to the Listing Entry, the building is L-shaped and was extended in the late 18th or early 19th Century at the west end and the north end with weather boarded additions. It appears from the Council's planning records that the building which existed in 1948 had a floor area of approximately 263m². The Council's planning records demonstrate that since this time there have been a few minor alterations to the building and extensions, which include the creation of porches to the front and rear of the property, as well as a rear extension which was granted planning permission in 2008. It appears from these records that these extensions have resulted in the floor area of the building being increased by approximately 45m². As a consequence it appears that the building had been extend by approximately 20% before the current 'canopies' were constructed.

The 'canopies' that have been constructed at the rear of the property, which are unlawful, and were the subject of application reference 6/2019/1277/FULL,

are single storey and infills a large proportion of the internal courtyard which is created by the 'L' shaped building. Although the roof structure is constructed with a lightweight fabric, it is considered given that the structure includes underfloor heating and it appears to be a permanent structure that has been there for a long period of time, that it should be considered as an extension. The internal floor space created by this extension is approximately 137m². This addition, taken cumulatively with the existing additions would represent an approximate 83% increase above the size of the original building.

It should be noted that the existing plans submitted within the current application do not show the unauthorised single storey extension that is currently in place at the site.

Notwithstanding the above development that is still insitu at the site, as part of the application it is presumed that the single storey extension is to be removed as it does not appear on the existing or proposed plans. The proposed outbuilding would create a floor space of approximately 80m². This addition, taken cumulatively with the existing additions would represent an approximate 57% increase above the size of the original building.

The site also has an array of other canopies, which albeit these are more temporary in nature, due to the number, size and length of time they have been there, they could be considered more formal structures rather than temporary and therefore should also be considered within green belt calculations. There are however no plans submitted for these so this cannot be included within this application.

Notwithstanding the above, the NPPF does not limit the concept of proportionality to a mathematic assessment alone and an overall assessment of proportionality includes a qualitative assessment too. In terms of a visual assessment, the proposal would add further built form which will be visually prominent.

In view of the above, it is considered that the proposal would result in disproportionate additions over and above the size of the original building and therefore represents inappropriate development in the Green Belt. The proposed development is therefore contrary to the NPPF, Policies GBSP1 and RA2 of the Welwyn Hatfield District Plan 2005 and Policy SADM34 of the Welwyn Hatfield Draft Local Plan 2016.

Openness:

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. It seeks to keep land free from built development and the curtilages of dwellings have a role to play in keeping land open.

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 duration of the development, specific characteristics of the proposal and its setting are also

	<p>relevant in this case when making an assessment.</p> <p>Whilst the proposed outbuilding is to the rear of the property and would be effectively concealed from most public views as it is contained within the existing courtyard area at the back of the property, it is however important to note that impacts on openness are not restricted to public view and the visibility of built form. The proposed development would result in additional built form, due to the additional massing and floor space, which, by their very nature would result in harm to the openness of the Green Belt, in addition to the harm from there being inappropriate development. As a consequence, although public views of the outbuilding would be limited, it is considered that the outbuilding would have an impact on the openness of the Green Belt because of its size.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene), plus Listed Building and Conservation Area</p>	<p><u>Policy background</u></p> <p>The site is located within Northaw’s Conservation Area and the subject building is Grade II Listed. Section 66(1) of the Listed Buildings and Conservation Areas Act states that the local planning authority shall have <i>“special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”</i>.</p> <p>The specific historic environment policies within the National Planning Policy Framework (NPPF) are contained within paragraphs 189-208. Paragraph 197 of the NPPF states:</p> <p><i>“In determining applications, local planning authorities should take account of:</i></p> <ul style="list-style-type: none"> <i>a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;</i> <i>b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and</i> <i>c) the desirability of new development making a positive contribution to local character and distinctiveness.”</i> <p>Paragraph 199 of the NPPF outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset, ‘great weight’ should be given to the asset’s conservation and the more important the asset the greater the weight it should be given.</p> <p>Paragraph 201 of the NPPF states that where proposed development will lead to substantial harm, or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm.</p> <p>Where the harm is considered less than substantial Paragraph 202 states that this should be weighed against the public benefits of the proposal. The NPPF therefore does allow for a degree of harm to a heritage asset in particular circumstances.</p> <p>Draft Local Plan Policy SADM15 is similar in these aims, where successive small-scale changes that lead to a cumulative loss or harm to the significance of the asset or historic environment should be avoided.</p> <p>The National Planning Policy Framework 2021 (NPPF 2021) has a strong</p>

	<p>emphasis on good quality design than its predecessor. Paragraph 126 clearly advises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 130 of the NPPF further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place. Paragraph 134 is clear that “development that is not well designed should be refused, especially where it fails to reflect local design policies.”</p> <p>Policy GBSP2 of the Welwyn Hatfield District Plan 2005 states that development within the specified settlements will be limited to that which is compatible with the maintenance and enhancement of their character. Policy D1 requires the standard of design in all new development to be of a high quality and Policy D2 requires all new development to respect and relate to the character and context of the area in which it is proposed. The above objectives are broadly consistent with Policies SP1 and SP9 of the Council’s Emerging Local Plan 2016. The Welwyn Hatfield District Plan Supplementary Design Guidance (SDG) supplements the policies contained in the District Plan.</p> <p><u>Assessment</u></p> <p>It is considered that the proposed building is detrimental to the setting of the listed building and harmful to its significance. The scale of the proposed building and its proximity to the listed building are unsympathetic to its special interest. It will dominate the rear elevation of the building and, despite being freestanding, will appear as a large extension due to its proximity to the building and the infilling of the space between the listed building and other existing outbuildings to the rear. Furthermore, the large bi-fold doors and rooflights do not respond to the character of the listed building.</p> <p>The proposal is therefore considered to result in ‘less than substantial’ harm to the significance of the listed building and paragraph 202 of the NPPF is relevant. Paragraph 199 states that great weight should be given to the conservation of heritage assets. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should also be considered as this requires special regard to be given to the desirability of preserving the setting of a listed building.</p> <p>Accordingly, it is considered that the proposed development represents a poor standard of design and fails to respect the character of existing building, and the character of the surrounding Conservation Area. The proposal is therefore contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policies SP9 and SADM15 of the Welwyn Hatfield Draft Local Plan 2016, the Welwyn Hatfield Supplementary Design Guidance 2005, the National Planning Policy Framework 2021 and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>
<p>Impact on neighbours</p>	<p>The impact of the proposed development on the residential amenity of neighbouring dwellings is considered in terms of the impact on neighbouring properties access to day/sun/sky light, privacy, overbearing and overshadowing. Policy D1 of the District Plan seeks to provide a good standard of design in all new development. The Council’s SPD on design supplements Policy D1 outlining that residential applications for extensions and alterations should not cause loss of light or be unduly dominant from adjoining properties, as a result of either the depth of the projection, the height</p>

	<p>or proximity of the extension.</p> <p>The neighbour representations that have been received are acknowledged and the comments have been addressed within the report.</p> <p>With regards to the built form of the proposed development, it is considered that due to the fact that there is already built form along the side boundaries, there would not be a significant detrimental impact upon the amenity of neighbouring occupants in terms of privacy, loss of light or being overbearing.</p> <p>Although this application does not relate to the use of the premises, as the proposed development would create additional floor space within the building, it is considered that it is appropriate to consider whether this use has unacceptable impact on neighbours.</p> <p>It is noted that comments have been received from residents and the Council's Public Health and Protection which indicate that the current use of the premises is generating an unacceptable level noise.</p> <p>Public Health and Protection advise in their response that 'the premises has had a long running issue with noise nuisance due to the playing of amplified music. This has been consistent despite various operators, a noise seizure, and the service of multiple noise abatement notices. The management team at the premises have consistently stated that the premises operates as a restaurant. Whilst this is partly true, the premises regularly turns into a party venue with the playing of loud amplified music. This has been the case with the latest operator and a noise abatement notice was recently served due to poor management of noise from amplified music.'</p> <p>It is considered that if this structure was given planning permission, it would just enable the operators to play loud amplified in this area rather than just within the main building, increasing the risk of a noise nuisance to neighbouring occupants.</p> <p>As no information has been provided to demonstrate sufficient noise mitigation and to provide the insulation properties of the structure to control noise breakout, it is considered that the proposed development would exacerbate the noise issues at the site. As a result of the above, it is considered that if permission was granted for the proposed development, it would facilitate a continuation, in part, of the unacceptable level of noise which is currently being produced by the activities on site. The proposal is therefore contrary to Policies D1 and R19 of the Welwyn Hatfield District Plan 2005, Policies SADM11 and SADM18 of the Welwyn Hatfield Draft Local Plan 2016 and the National Planning Policy Framework 2021.</p>
<p>Access, car parking and highway considerations</p>	<p>It is acknowledged that comments have been received by neighbours with regards to the problems with parking at and around the site. It appears from these comments that these parking issues are particularly acute when the premises holds events, but that the parking problems are not continuous.</p> <p>As the premises already has permission to be used as a public house, which includes both the internal and external parts of the premises, it is not clear how much impact the current 'canopies'/ extension have on parking issues related to the site, and thus the impact of the proposed outbuilding is also unknown. Furthermore, as the issues seem to relate to when events are held at the</p>

	<p>premises and not all the time, it would appear that the parking problems are created by the events and not necessarily the canopies or the proposed outbuilding. This position is supported by the fact that at the time of the site visit, the car park for the premises had parking spaces available, even though the premises was open at this time.</p> <p>As a consequence of the above, although the canopies may contribute to existing parking issues and the proposed outbuilding would likely have the same effect, as the premises has a private car park which is of a reasonable size in relation to the premises, it is not considered that this impact would be sufficient to justify a reason for refusal own its own.</p>
<p>Archaeological Significance</p>	<p>The application site is located within an Area of Archaeological Significance (AAS39). This denotes the historic core of the medieval settlement of Northaw. The Sun Inn (now Judge's restaurant) is shown on the Northaw Enclosure map of 1807. It is a Grade II Listed Building [List no.1173908]. The L-shaped timber framed building dates from the 17th century and was extended at both ends in the late 18th or early 19th century. It was re-fronted in c.1900.</p> <p>District Plan Policy R29 requires developers to undertake an archaeological assessment, if necessary with field evaluation, where a proposal may affect the remains of archaeological significance, and the report should be submitted to the local planning authority before an application is determined. Paragraph 194 of the NPPF is similar in these aims, and outlines an appropriate desk-based assessment should be submitted, and where necessary a field assessment, on sites which include heritage assets of archaeological interest.</p> <p>The Historic Environment Advisor believes that it is possible that the construction of the single storey building in the space to the rear of the restaurant may have an impact on below ground archaeological remains (undesigned heritage assets). The proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest. An archaeological evaluation prior to the development is therefore advised, in accordance with paragraph 205 of the NPPF which advises local planning authorities to require the developers to record and advance understanding of any significance of heritage assets lost.</p> <p>Neither the Heritage Statement nor the Design and Access statement submitted with this application have included an archaeological evaluation. Should the development be granted, it would therefore be reasonable to condition an archaeological evaluation prior to the commencement of development.</p>
<p>Any other considerations</p>	<p><i>Whether there would be Very Special Circumstances:</i></p> <p>Paragraph 143 of the NPPF outlines that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 outlines that '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'. Following the assessment of harm to the Green Belt, the report now turns to assess whether any very special circumstances exist in this case.</p> <p>It is accepted in case law that there is no prescribed list of what might</p>

	<p>constitute very special circumstances. It may be that a single aspect of a proposal may itself be a very special circumstance (VSC) sufficient to justify development or it may be that a number of circumstances may cumulatively amount to very special circumstances. As Lord Justice Pill said in <i>South Bucks District Council v Secretary of State for Transport, Local Government and the Regions</i> [2003] EWCA Civ 687, [2003] All ER (D) 250 (May): "It is of the essence of very special circumstances that the applicant establishing them is in a very special category." However, by their nature the existence of very special circumstances must relate to a particular site.</p> <p>In regard to the "very special circumstances" required to justify inappropriate development in the Green Belt, no other considerations have been put forward by the applicant and none have been identified by the Local Planning Authority.</p> <p>Accordingly, the harm to the Green Belt, and other identified harm, is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist.</p>
<p>Conclusion</p>	
<p>The proposed development does not accord with the relevant policies, thus is not acceptable in terms of the inappropriate development in the Metropolitan Green Belt, the impacts upon the Conservation Area and Listed Building, the design and character, the noise impact upon neighbouring amenity and insufficient information with regards to the plans submitted. It is therefore recommended that planning permission is refused.</p>	

Reasons for Refusal:

1. The proposed development would constitute an extension or alteration, together with previous additions, that would result in disproportionate additions over and above the size of the original building. Therefore, the proposal equates to inappropriate development in the Green Belt. There would be other harm due to the loss of the openness of the Green Belt. Other considerations would not clearly outweigh the harm by reason of inappropriateness and loss of openness. Consequently, the very special circumstances required to approve inappropriate development in the Green Belt do not exist. The proposed development would be contrary to Policies GBSP1 and RA2 of the Welwyn Hatfield District Plan 2005, Policy SADM34 of the Welwyn Hatfield Draft Local Plan 2016 and Section 13 of the National Planning Policy Framework.

2. The proposed development would materially harm the character and significance of a designated heritage asset and the setting of a listed building. In addition, the proposed design of the structure means that it would have a detrimental impact on the conservation area and the character of the area. As no justification has been provided which would outweigh the harm to the character and significance of these designated heritage assets, there are no benefits which outweigh this harm. As such, the proposal is contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policies SP9 and SADM15 of the Welwyn Hatfield Draft Local Plan 2016, the National Planning Policy Framework and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. No information has been provided to demonstrate sufficient noise mitigation and to provide the insulation properties of the structure to control noise breakout. The proposed development would therefore exacerbate the noise issues at the site facilitate a continuation, in part, of the unacceptable level of noise which is currently being produced by the activities on site. The proposal is therefore contrary to Policies D1 and R19 of the Welwyn Hatfield District Plan 2005, Policies SADM11 and SADM18 of the Welwyn Hatfield Draft Local Plan 2016 and the National Planning Policy Framework.
4. Insufficient information has been submitted, by way of incorrect plans, due to the existing unauthorised structure not being included, along with other large canopies on site. A comprehensive assessment of the impact the unauthorised/ proposed structures are having/would have on this site can therefore not be undertaken.

REFUSED DRAWING NUMBERS

5.

Plan Number	Revision Number	Details	Received Date
2025/PA01	2	Block Plan/ Floor Plan	3 September 2021
2025/PA03	2	Proposed Elevations	3 September 2021
2025/PA04	2	Proposed 3D Visuals	3 September 2021
2025/PA02	2	Proposed Floor Plan	3 September 2021
Location Plan		Location Plan	3 September 2021
2025/EX02	1	Existing Elevations	29 September 2021
2025/EX01	1	Existing Floor Plan	29 September 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 Derek Lawrence
14 June 2022