

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

DELEGATED APPLICATION

Application No: 6/2021/2713/HOUSE
Location: 99 The Ridgeway Cuffley Potters Bar EN6 4BG
Proposal: Erection of a two storey side extension with two front and two rear dormer windows
Officer: Ms Kirsty Shirley

Recommendation: Refused

6/2021/2713/HOUSE

Context	
Site and Application description	The application site is located to the south of The Ridgeway and is comprised of a detached bungalow with front driveway and elongated rear garden. The application site is entirely within the Metropolitan Green Belt.
Constraints (as defined within WHDP 2005)	GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0 LNR - Local Nature Reserve(Northaw Great Wood) - Distance: 21.88 PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 21.88 Wards - Northaw & Cuffley - Distance: 0 A4D - ARTICLE 4 DIRECTION - Distance: 21.88
Relevant planning history	<p>Application Number: E6/1966/1437/ Decision: Refused Decision Date: 19 August 1966 Proposal: Site for house and garage.</p> <p>Application Number: E6/1972/2343/ Decision: Granted Decision Date: 14 September 1972 Proposal: Ground floor side extension.</p> <p>Application Number: S6/1987/0674/FP Decision: Granted Decision Date: 07 September 1987 Proposal: Single storey side extension</p> <p>Application Number: S6/1992/0302/FP Decision: Granted Decision Date: 27 May 1992 Proposal: Erection of car port</p> <p>Application Number: 6/2017/0476/PA Decision: Refused Decision Date: 24 May 2017 Proposal: Pre-application advice for the erection of 2x dwellinghouses following the demolition of existing dwellinghouse.</p>

	<p>Application Number: 6/2018/1991/FULL Decision: Refused Decision Date: 21 November 2018 Proposal: Erection of two dwellings following demolition of existing dwelling house and associated outbuildings</p> <p>Application Number: 6/2020/1968/LAWP Decision: Refused Decision Date: 13 October 2020 Proposal: Certificate of lawfulness for the demolition of existing car port, attached outbuildings and sun room to facilitate the erection of a single storey side and two storey rear extension, to include rear facing Juliette balcony and erection of an additional dormer to the west roofslope and the replacement of the existing dormers with one large dormer on the east roofslope.</p> <p>Application Number: 6/2020/1972/HOUSE Decision: Refused Decision Date: 23 October 2020 Proposal: Erection of two storey side extension with 2 x dormers to the front and 2 x to rear and new front boundary entrance gates and wall.</p> <p>Application Number: 6/2020/2308/LAWP Decision: Refused Decision Date: 30 October 2020 Proposal: Certificate of lawfulness for the erection of a detached pool house.</p> <p>Application Number: 6/2020/2817/LAWP Decision: Granted Decision Date: 23 December 2020 Proposal: Lawful development certificate for the demolition of existing car port, attached outbuildings and sun room to facilitate erection of a single storey side and two storey rear extension, to include rear facing Juliette balcony and 2 dormers to both sides of existing roof.</p> <p>Application Number: 6/2020/3215/PA Decision: Refused Decision Date: 03 February 2021 Proposal: Pre-application advice for extensions and alterations to dwellinghouse</p> <p>Application Number: 6/2021/0469/PA Decision: Refused Decision Date: 26 April 2021 Proposal: Pre-application advice for demolition of extensions under Permitted Development, construction of new extension of the first floor and garage, conversion of garage to a habitable room and demolition of outbuildings in rear garden (further to 6/2020/3215/PA)</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	<p>Site Notice Display Date: 14 October 2021 Site Notice Expiry Date: 4 November 2021 Neighbour notification letter</p>		

Summary of neighbour responses	None received
Consultees and responses	<p>Hertfordshire Ecology – Comment: <i>Given the limited scope of the proposals the character of the existing property I do not consider that further surveys are required in this case or that the application is likely to impact on the Northaw Great Wood.</i></p> <p>Herts & Middlesex Bat Group – no response Herts & Middlesex Wildlife Trust – no response Northaw & Cuffley Parish Council – no response</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 type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Others: RA3, SADM34	
Main Issues	
Green Belt	<p>The application site is washed over by 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. The National Planning Policy Framework (NPPF), states, in paragraph 147 that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 then states that substantial weight should be given to any harm in the Green Belt and 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.</p> <p><i>Appropriateness</i></p> <p>The 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 (c) is engaged in this case and explains that the extension or alteration to a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. 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.</p> <p>District Plan Policy RA3, like the NPPF, allows for extensions in the Green Belt which would not result in a disproportionate increase in the size of the dwelling, either individually or when considered with existing or approved extensions to the original dwelling. Policy RA3 states that extensions to dwellings in the Green Belt will only be permitted where they would not have an adverse visual impact (in terms of its prominence, size, bulk and design) on the character, appearance and pattern of development of the surrounding countryside. Additionally it is noted in emerging Policy SADM34 that the applicant will need to demonstrate that extensions and alterations to a building would not result, either individually or cumulatively, in disproportionate additions over and above the size of the original building in terms of bulk, scale, height or massing. Each proposal is therefore considered in relation to</p>

the size and character of the original building and the impact of the proposed extension on these factors.

The dwelling has been significantly extended before. The planning history shows that the footprint of the original dwelling was approximately 107m², with original the floor space approximately 174m². The existing footprint of the dwelling is approximately 251m² and the existing floor space approximately 338m². The proposal would increase the footprint of the dwelling to approximately 266m², and floor space to approximately 423m². The proposal therefore represents an approximate increase in footprint of 148%, with an increase in floor space approximately 143%. The dwelling has already been extended beyond what could reasonably be considered proportionate in numerical terms and the proposal would add considerable additional floor space.

In terms of a qualitative assessment, the proposed extension would add substantially to the scale and bulk of the dwelling, particularly at first floor and roof level. The existing dwelling is a modest gable fronted bungalow with a ridge running front to back. The proposal would introduce a second ridge extending to the side in an 'L' configuration. This would result in substantial additional bulk, particularly at roof level where two front and two rear facing dormers are also proposed. The extended roof would also feature a half hip to the side with eaves higher than the host dwelling.

It is considered that the cumulative impact of the existing additions and the proposed extension would be that substantial in comparison to the original building as to be disproportionate. The proposal therefore represents inappropriate development within the Green Belt. The NPPF confirms that inappropriate development is by definition harmful to the Green Belt.

Openness

The NPPF identifies the essential characteristics of Green Belts are their openness and their permanence.

There is no definition of openness in the NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. However, assessing the impact of a proposal on the openness of the Green Belt requires a judgment based on the circumstances of the case. Openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant. The specific characteristics of the proposal and its setting are also relevant in this case when making an assessment.

The subject dwelling forms part of a ribbon of detached dwellings of various sizes on the southern side of The Ridgeway. There are gaps between and over buildings which enable views to the expansive countryside beyond. The proposal would be visible from the road and footpath to the front of the site and potentially from more distant vantage points in the wider countryside. The proposal would demonstrably increase the size of the building. Accordingly, it would introduce built form in an area which currently provides open space. The proposal would therefore reduce the openness of the Green Belt.

The proposal would add further development to an already disproportionately extended dwelling. When considered cumulatively, the proposal would result in

	<p>disproportionate additions over and above the size of the original building in terms of bulk, scale and massing. The visual prominence of the dwelling would also significantly increase and the space around the dwelling would be reduced resulting in harm to the openness of the Green Belt. The essential characteristics of Green Belts are their openness and their permanence and the loss of openness in the Green Belt resulting from the proposed extensions would conflict with this essential characteristic. Significant weight must be attached to this loss of openness.</p> <p>For the reasons discussed, the proposal fails to meet the exceptions set out in paragraph 149 of the NPPF. It would, therefore, be inappropriate development in, and thus harmful to, the Green Belt. It would also conflict, with Local Plan Policy RA3 and emerging Policy SADM34, which seek, among other things, to ensure that extensions, either alone or cumulatively with other extensions, do not result in disproportionate additions over and above the size of the original dwelling. Furthermore, the increased bulk and massing of the proposed development would result in a loss of openness and visual permeability of the Green Belt.</p> <p>As a result of the above, very special Circumstances are required to outweigh the inappropriate development, as prescribed by national planning policy. This is discussed in more detail later on in this report.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>Policies D1 and D2 of the Welwyn Hatfield District Plan, as well as the Supplementary Design Guidance emphasise the importance of good quality design in keeping with the character and context of the area. The National Planning Policy Framework emphasises the importance of good design in context and, in particular, Paragraph 134 states permission should be refused especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents.</p> <p>The proposed dormer windows would be of similar appearance to the existing dormer windows, by virtue of matching pitch and sitting comfortably within the roof slope.</p> <p>Crown roofs are a feature of many dwellings in the wider area and therefore represent an acceptable form of development in this location. Notwithstanding this, in terms of visual amenity and quality of design, some crown roofs are not attractively designed and can significantly detract from the appearance of a dwelling and the overall character of the area. Should planning permission be granted, it would be reasonable to attach a planning condition requiring a cross-section drawing to be submitted to and approved in writing by the Local Planning Authority. Provided that the flat roof is stepped down and concealed behind the surrounding pitched roof, its impact in terms of visual amenity would be limited.</p> <p>Subject to the suggested condition, the proposal represents an acceptable standard of design and there is no objection in this regard.</p>
<p>Impact on neighbours</p>	<p>Policies D1 and the Supplementary Design Guidance aim to preserve neighbouring amenity. In addition, the NPPF seeks to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings. No neighbour comments have been received.</p>

	<p>It is considered that the position, size and scale of the development would not result in adjoining neighbours to experience a detrimental loss of light, nor would the development appear overbearing and unduly dominant. It is also considered that the proposed glazing would not cause significant increases in the levels of overlooking compared to the existing situation.</p>
<p>Access, car parking and highway considerations</p>	<p>The proposal does not seek to increase the amount of bedrooms within the property. Parking is found to be sufficient at the application site and can reasonably be accommodated within the site frontage.</p>
<p>Any other considerations</p>	<p><i>Very Special Circumstances</i></p> <p>For the reasons discussed above, the proposal fails to meet the exceptions set out in paragraph 149 of the NPPF. The development proposal therefore represents inappropriate development in the Green Belt. 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 (VSC). 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>. In accordance with the NPPF, substantial weight is afforded to this harm.</p> <p>It is accepted in case law that there is no prescribed list of what might 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): <i>"It is of the essence of very special circumstances that the applicant establishing them is in a very special category."</i> However, by their nature the existence of very special circumstances must relate to a particular site.</p> <p>The applicant has acknowledged in their submitted Planning Statement that the proposal would represent inappropriate development within the Green Belt, in addition to the development harming the openness of the Green Belt. The very special circumstances case initially advanced by the applicant comprised of the following:</p> <ul style="list-style-type: none"> • That the proposal would not harm the character and appearance of the surrounding area. • It would also help deliver some fundamental and necessary improvements for the existing occupants which would provide significant and demonstrable social benefits. <p>For the reason described earlier in this report, the proposal represents an acceptable standard of design which would not harm the character and appearance of the surrounding area. Whilst no additional harm has been identified in this regard, the absence of harm is considered to be a neutral factor which weighs neither in favour nor against the proposal.</p> <p>Turning to the social benefits of the proposal, in this regard additional information was submitted in December 2021, following Officer advice during the course of this application. Whilst this additional information has been taken into consideration, it has not been made public for reasons of confidentiality</p>

and respect for privacy. Notwithstanding the above, it is considered appropriate to disclose that a child of the applicant has special education and care needs, and the proposal is sought to provide further space in consideration of the child's wellbeing and care needs.

However, the existing domestic arrangements have not been identified as no longer suitable for the child's needs, and the proposal does not clearly demonstrate how the needs of the child would be met should the proposal be implemented. While the submitted medical report outlines that the child is interested in activities of a physical nature, the medical report does not advise nor stipulate that additional space, over and above the space already available, is required to accommodate or support the child's needs.

Whilst the applicant may consider additional space to be desirable, it has not been demonstrated that there is a significantly limited supply of alternative residential accommodation in the area of the scale envisaged to help meet the child's needs. This limits the case for the envisaged scale of accommodation to be located solely at the application site, with its Green Belt sensitivities. It is notable that the medical report submitted outlining the diagnosis of the child is dated 26th November 2019, but records available publicly show the application property was purchased 15th May 2020. The application site was therefore purchased in the knowledge of the child's special education and care needs, with no prior engagement with the Council regarding extending or altering the property until December 2020.

The Local Planning Authority is sympathetic to the situation and understands the applicant's desire to create an enhanced living space for their child residing in the dwelling. While it is appreciated that the increase in residential space is desirable, there is no substantive evidence to suggest that the existing accommodation is inadequate, or cannot be adapted, to accommodate the current and future education and care needs of the child that have been detailed.

Additionally, the circumstances described, or similar, could apply to many other residents and properties in the Green Belt. Personal circumstances will inevitably change overtime whereas the harm identified by the proposal would be permanent, and in this context, only very limited weight can be given to the personal circumstances as detailed in the applicant's very special circumstances case.

Consequently, the very special circumstances necessary to outweigh the harm to the Green Belt that would be caused by the proposed development do not exist. The proposed development therefore remains contrary to Green Belt policy.

In considering these circumstances, there has been due regard to the Public Sector Equality Duty under section 149 of the Equality Act 2010, which specifically protects characteristics including disability. It is noted that the applicant does not consider it appropriate to describe their child's special education and care needs as a disability.

Conclusion

The proposed development, which is located within land designated as Metropolitan Green Belt, would constitute inappropriate development and is therefore by definition harmful development. In addition to this harm, there would also be harm to the openness of the Green Belt. No very special

circumstances exist which outweigh the harm to the Green Belt. Consequently the proposed development would conflict with Policies GBSP1 and RA3 of the Welwyn Hatfield District Plan; Policy SADM34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

Reasons for Refusal:

1. The proposed development, which is located on land designated as Metropolitan Green Belt, would constitute inappropriate development and is therefore by definition harmful development. In addition to this harm, there would also be harm to the openness of the Green Belt. No Very Special Circumstances exist which outweigh the harm to the Green Belt by reason of inappropriateness, and the other harm identified. Consequently the proposed development would conflict with Policies GBSP1 and RA3 of the Welwyn Hatfield District Plan; Policy SADM34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

Plan Number	Revision Number	Details	Received Date
21023/1		Location & Block Plan	20 September 2021
21023/3		Existing & Proposed Site Plan	20 September 2021
21023/2A		Existing Plans & Elevations	20 September 2021
21023/5F	.	Proposed Plans & Elevations	17 December 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 January 2022