

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

DELEGATED APPLICATION

Application No: 6/2021/3431/HOUSE
Location: 1 Lysley Place Hatfield AL9 6NZ
Proposal: Erection of a single storey rear extension
Officer: Ms Kirsty Shirley

Recommendation: Granted

6/2021/3431/HOUSE

Context	
Site and Application description	<p>The application site is located to the east/south-east of two Grade II listed buildings; Mymwood Lodge and the former Mymwood School. The application site is also within a Landscape Conservation Area (North Mymms Common and Newgate Street Farmed Plateau) and washed over by the Metropolitan Green Belt.</p> <p>The application dwelling is a two-storey detached dwelling which forms part of the residential development at the former Queenswood Home Farm on the northern side of Shepherds Way.</p>
Constraints (as defined within WHDP 2005)	<p>LBC - LISTED BUILDING House. Circa 1820, converted to school 1932. C17 - Distance: 10.21 LBC - NULL NULL - Distance: 22.71 GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (North Mymms Common and Newgate Street Farmed Plateau) - Distance: 0 PAR - PARISH (NORTH MYMMS) - Distance: 0 Wards - Brookmans Park & Little Heath - Distance: 0</p>
Relevant planning history	<p>Application Number: E6/1967/0539/ Decision: Granted Decision Date: 04 April 1967 Proposal: Covered yard & milking parlour.</p> <p>Application Number: S6/2000/0988/FP Decision: Granted Decision Date: 21 August 2000 Proposal: ENCLOSURE OF EXISTING PORCH</p> <p>Application Number: S6/2003/0895/FP Decision: Refused Decision Date: 12 August 2003 Proposal: ERECTION OF FIRST FLOOR SIDE EXTENSION ABOVE EXISTING GARAGE</p> <p>Application Number: S6/2004/0987/FP Decision: Granted Decision Date: 25 August 2004 Proposal: ERECTION OF PART SINGLE STOREY REAR EXTENSION AND</p>

	PART FIRST FLOOR FRONT EXTENSION. Application Number: S6/2005/0135/FP Decision: Granted Decision Date: 20 April 2005 Proposal: SINGLE STOREY REAR EXTENSION AND REPLACEMENT PORCH.		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Neighbour notification letter		
Summary of neighbour responses	None received		
Consultees and responses	<p>North Mymms Parish Council – Comment: <i>the site is Green Belt, any further extensions should be limited to prevent overdevelopment.</i></p> <p>Conservation Consultant – Comment: <i>There are no objections to the proposed rear extension as it is not considered to be detrimental to the settings of the listed buildings and no harm will be caused to their significance or special interest, in accordance with Section 16 of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</i></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: District Plan Policy RA10 & Draft Local Plan Policies SADM34 and SADM15			
Main Issues			
Green Belt			
<p>The site is located within the Metropolitan Green Belt as defined by District 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.</p> <p>The 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. The NPPF defines the “original building” as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Draft Local Plan 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.</p> <p>The application site has an extensive history of planning applications which have substantially increased the size of the original dwelling. A review of the planning history indicates that the original</p>			

dwelling had a footprint of approximately 130m². The existing footprint is approximately 163m², representing an increase of 25% in footprint from the original. The proposal would increase the footprint to approximately 218m², representing an increase of 67% from the original footprint, which is considered to be significant.

However, 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. Whilst cumulatively the building has been enlarged considerably, in this case, the proposed extension would be unobtrusive and would sit comfortably at the rear of the application dwelling, neither dominating nor fundamentally altering the dwelling's character or appearance. Within the context of the size of the existing dwelling and its surroundings, the extension is subordinate and sympathetic to the design and scale of the existing dwelling.

The proposal would therefore represent appropriate development in the Green Belt. The Courts have held that appropriate development is not harmful to Green Belt openness or the purposes of including land within it.

Listed Building

Section 66(1) of the Listed Buildings and Conservation Areas Act states that the local planning authority shall have *"special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.

The specific historic environment policies within the National Planning Policy Framework (NPPF) are contained within paragraphs 189-208. Paragraph 197 of the NPPF states:

"In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness."*

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. 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.

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.

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.

It is considered that the proposed development would not be detrimental to the settings of the listed buildings and no harm will be caused to their significance or special interest, in accordance with Section 16 of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

<p>Would the development reflect the character of the area?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Comment (if applicable): The size and scale of the extension would be subservient to the existing dwelling and would not appear unduly prominent from the surrounding area. The submitted drawings state that the proposed materials of the extension would match the existing dwelling and this can be secured by condition to ensure the development appears visually pleasing and would remain in keeping with the application dwelling and wider area.</p>
<p>Would the development reflect the character of the dwelling?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Comment (if applicable): See above</p>
<p>Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Comment (if applicable): No neighbour representations have been received. It is considered that the positioning, size and scale of the extension would not result in overbearing impact towards neighbouring properties, nor would the extension result in a detrimental loss of light to adjoining neighbours. There would be sufficient separation distance between the extension and the adjoining property at the rear of the application site such that the proposed windows and sliding doors within rear elevation of the extension would not result in an undue loss of privacy to this neighbour.</p>
<p>Would the development provide / retain sufficient parking?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Comment (if applicable): The proposal does not increase the amount of bedrooms within the application site and so parking is not a consideration for this application.</p>
<p>Landscape Character Area</p> <p>Policy RA10 requires developments to contribute to the landscape character and region. The application site is located with Landscape Character Area 51 where there is a strategy to 'Conserve and Restore the condition and character of the area. The proposal would not have any direct impact upon the local landscape quality of the area, and although would not contribute, would not be contrary to this policy.</p>
<p>Conclusion</p> <p>Subject to the suggested condition regarding materials, it is considered that the proposed development would be in accordance with the relevant policies of the Welwyn Hatfield District Plan; Draft Local Plan; the Planning (Listed Buildings and Conservation Areas) Act 1990; and the National Planning Policy Framework.</p>

Conditions:

1. The brickwork, roof tile, bond, mortar, windows, detailing, guttering, soffits and other external decorations of the approved extension must match the existing dwelling in relation to colour and texture.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2021.

DRAWING NUMBERS

2. The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
20084-P001-B		Proposed Plans & Elevations	7 December 2021
20084-P004-1st		Section A-A	7 December 2021
20084-S001-1st		Existing Plans & Elevations	7 December 2021

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
3. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

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

Once all build stages are checked and the works are finished, a Completion

Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

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

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

Determined By:

Mr Mark Peacock
1 February 2022