

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

DELEGATED APPLICATION

Application No: 6/2022/1854/HOUSE
Location: 78 Bell Lane Brookmans Park Hatfield AL9 7AY
Proposal: Erection of single storey extension to the flank garage with a flat roof
Officer: Ms Kirsty Shirley

Recommendation: Refused

6/2022/1854/HOUSE

Context	
Site and Application description	<p>The application site is located to the south of Bell Lane and comprises a detached bungalow with a substantial front hardstanding and a sizeable rear garden. The dwelling is almost the full width of the site and benefits from previous extensions to the side and rear of the dwelling. The site is accessed directly from Bell Lane.</p> <p>The proposal is for a single storey extension from the existing garage.</p> <p>This application follows two previously refused applications for similar development. Previously refused applications 6/2018/1603/HOUSE and 6/2019/0922/HOUSE were also for a single storey extension from the existing garage. These applications were both refused on the basis of inappropriate development in and harming the openness of the Green Belt; poor quality of design; and unacceptable harm to the living conditions of the occupiers of No. 80 Bell Lane.</p>
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt - Distance: 0 PAR - PARISH (NORTH MYMMS) - Distance: 0 Wards - Brookmans Park & Little Heath - Distance: 0</p>
Relevant planning history	<p>Application Number: S6/2003/0574/FP Decision: Refused Decision Date: 15 July 2003 Proposal: Erection of a single storey side extension and new front boundary wall & gates Reasons for refusal:</p> <ol style="list-style-type: none"> <i>The proposed extension together with existing extensions, would result in disproportionate additions over and above the size of the original building, as such the proposal represents inappropriate development within the Green Belt. Furthermore, the increased bulk and massing of the proposed development would result in a loss of openness and visual permeability of the Green Belt. Very special circumstances do not exist to outweigh the harm to the Green Belt. Accordingly the proposal is contrary to the aims of the National Planning Policy Framework 2019, Policies GBSP1, GBSP2 and RA3 of the adopted Welwyn Hatfield District Plan 2005 and Policies SP3, SP25 and SADM34 of the Draft Local Plan Proposed Submission 2016.</i>

2. *By reason of its size, bulk and design, the extension would fail to appear subordinate or subservient in scale, resulting in an excessive and contrived addition which would fail to adequately respect, or relate, to the existing dwelling. Furthermore, the proposed extension would create a dominant feature to the front of the property which would harm the character and appearance of the host dwelling and the surrounding area. The proposal is therefore of poor quality design which fails to comply with the National Planning Policy Framework 2019, Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.*

3. *The proposed development, due to its scale, bulk and siting would unacceptably harm the amenity and living conditions of the occupiers of No. 80, through loss of light to habitable rooms and an overbearing presence of built form close to its boundary. Accordingly the proposal is of a poor quality design contrary to Policy D1 of the Welwyn Hatfield District Plan 2005 and would fail to accord with the Council's Supplementary Design Guidance and with the National Planning Policy Framework 2019.*

Application Number: 6/2015/2244/HOUSE

Decision: Granted

Decision Date: 19 January 2016

Proposal: Erection of single storey rear and roof extension with alteration to front elevation gable following demolition of chimney stacks and side annex

Condition 4 states:

4. *The development hereby permitted shall not commence until the existing small side extension to the dwelling has been demolished. All the materials arising from such demolition shall be completely removed from the site within 1 month of the first occupation of the rear extension hereby permitted.*

REASON: The site lies outside of established settlement limits and therefore within an area where permission for disproportionately large extensions is not normally granted. The Local Planning Authority would not be prepared to permit such extensions without the demolition of the side extension to reduce the width of the building within the site in this location in the interests of preserving the visual openness of the Green Belt and the character and appearance of the area in accordance with Policies GBSP2, RA3, D1 and D2 of the Welwyn Hatfield District Plan 2005.

Application Number: 6/2018/1603/HOUSE

Decision: Refused

Decision Date: 03 September 2018

Proposal: Erection of a front garage extension with pitched roof

Application Number: 6/2019/0922/HOUSE

Decision: Refused

Decision Date: 24 June 2019

Proposal: Erection of a front extension to garage with a pitched roof

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>Must comply with Green Belt policies.</i></p> <p>North Mymms Green Belt Society - Comment: <i>This property has been previously extended, the applicant has gone some way in accommodating the officers previous refusal, in this latest application, however we do have concerns that the permitted footprint will be exceeded and therefore would result in harm to the Green Belt under the NPPF. The application does not make out any Special Circumstances.</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 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 Others: RA3 Emerging Local Plan Policies: SP1 Delivering Sustainable Development SP3 Settlement Strategy and Green Belt Boundaries SP9 Place Making and High Quality Design SP25 Rural Areas SADM11 Amenity and Layout SADM12 Parking, Servicing and Refuse SADM34 Development within the Green Belt			
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</p>		

building” as a building as it existed in July 1948 or, if constructed after that date, as it was originally built.

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

The Council’s records demonstrate that the original dwellinghouse had a floorspace of approximately 164m². Although the applicant has not submitted first floor plans of the existing property, the elevation drawings that they have submitted demonstrate that they have implemented the extensions approved within 6/2015/2244/HOUSE but unlike the approved drawings they have not demolished the single storey side element that was meant to be removed as part of this approval. It is important to note that the removal of this aspect of the dwelling was seen as an important justification for allowing that permission.

Using the drawings submitted with this application, it is considered that the existing dwelling has a floor area of approximately 411m², an increase of 150% above the original dwelling. It is clear that the existing dwelling has been substantially extended from the original dwelling. To accommodate these substantial extensions the original dwelling has been significantly increased in its size and bulk.

The proposed extension would result in the property being extended to its front with a single storey extension which would project approximately 5m beyond the front elevation. The proposed development would result in the creation of approximately 32m² of new floor space. This addition, taken cumulatively with the existing additions, would represent approximately 170% increase above the floorspace of the original house. On a purely mathematical calculation the extensions to the original building would be disproportionate. However, in addition to mathematical calculations the visual impact of the extensions has to be considered.

Openness

There is no definition of openness in the NPPF but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. Further to the above discussions about the cumulative additions to the size of the building, it is considered that the proposed extension would have a harmful impact on the openness of Green Belt. The design, character and appearance of the proposed extension would not be consistent with the general pattern of development and character of the area. The increased bulk and massing of the proposal, together with its closer proximity to the highway, would result in the application dwelling appearing significantly larger and more prominent from

	<p>public vantage points. The result would be a loss of openness and visual permeability 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.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>Policies D1 and D2 require the standard of design in all new development to be of a high quality and that all new development respects and relates to the character and context of the area in which it is proposed, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area.</p> <p>In terms of the character of the area, paragraph 2.4 of the SDG outlines, amongst other things, that new development should:</p> <ul style="list-style-type: none"> - Respond to building forms and patterns of existing buildings in the detailed layout and design to reinforce a sense of place; - Use local materials and building methods/details to enhance local distinctiveness; and - Ensure that the scale, height, massing, and space around the new development in relation to the adjoining buildings is considered <p>The revised National Planning Policy Framework (NPPF) has a stronger emphasis on good quality design than its predecessor. Paragraph 126 clearly advises that the creation of high quality, beautiful and sustainable 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 and add to the overall character of the area, be visually attractive, sympathetic to local character and establish a strong sense of place. Paragraph 134 is clear that <i>“Development that is not well designed 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 such as design guides..”</i></p> <p>The proposed extension would project approximately 5m from the front elevation of the dwelling, with a width of approximately 6.3m. The extension would feature a flat roof.</p> <p>The flat roof of the extension would appear discordant with the hipped roof and intersecting hipped and gable features within the roof of the dwelling. This discordance would be further emphasised as a result of the positioning and scale of the extension. The bulk and massing of the extension to one side of the front elevation would be a substantial and a predominant feature at the front of the dwelling. The bulk and massing of the extension would fail to respect and relate to the appearance of the existing dwelling, and the discordance of the extension would detract from the character of the area.</p> <p>It is therefore considered that the proposed development, by virtue of the</p>

	<p>extensions positioning, scale and design, would result in a discordant and overbearing addition to the dwelling that would fail to complement and reflect the design and appearance of the application dwelling. Accordingly, the proposed development represents a poor standard of design which is harmful to the appearance of the application dwelling and the character of the area, contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan; Policies SP9 and SADM11 of the Emerging Local Plan; the Supplementary Design Guidance; and the National Planning Policy Framework.</p>
<p>Impact on neighbours</p>	<p>No neighbour representations have been received.</p> <p>Due to the size and positioning of the extension, it is considered that the neighbour that is most likely to be affected by the proposal would be adjoining neighbour No. 80 Bell Lane. The extension would be in close proximity to the shared boundary between No. 80 and the application dwelling and would extend along this boundary for approximately 5m.</p> <p>In terms of privacy, no windows would be inserted into the extension, and the privacy of the occupiers of No. 80 would therefore be maintained.</p> <p>The existing relationship between No.80 and the application dwelling means that the nearest ground floor front facing window serving No. 80 is positioned from the existing front elevation of the application dwelling by approximately 6m. The extension would project just shy of 5m beyond the existing front elevation of the application dwelling and would have a height of approximately 2.7m. The positioning and massing of the extension would exasperate the deficiency in the relationship between No. 80 and the application dwelling, with the orientation of the extension compounding this impact on No. 80. The extension would therefore appear unduly dominant and overbearing towards the occupiers of No. 80.</p> <p>The application dwelling and No. 80 face broadly north-west, experiencing shadowing at the front of the properties for most of the day in winter. The positioning of the extension would result in the front facing ground floor window of No. 80 to receive less light briefly in winter. However, such a loss of light would be for an extended period in the summer months, and as such, the extension would result in the occupiers of No. 80 to experience a detrimental loss of light.</p>
<p>Access, car parking and highway considerations</p>	<p>The proposed development would benefit from more than three car parking spaces and there would no increase in bedrooms. There is therefore no objection to this proposal on parking grounds.</p>
<p>Very Special Circumstances</p>	<p>Paragraph 147 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 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>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 South Bucks</p>

	<p>District Council v Secretary of State for Transport, Local Government and the Regions [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 not advanced very special circumstances for this application. From the above analysis within this report, it is considered that there are no very special circumstances that outweigh the harm to the Green Belt that are identifiable in this application.</p>
<p>Conclusion</p>	
<p>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 Emerging Local Plan; and the National Planning Policy Framework.</p> <p>Additionally, the proposed development, by virtue of the extensions positioning, scale and design, would result in a discordant and overbearing addition to the dwelling that would fail to complement and reflect the design and appearance of the application dwelling. Accordingly, the proposed development represents a poor standard of design which is harmful to the appearance of the application dwelling and the character of the area, contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan; Policies SP9 and SADM11 of the Emerging Local Plan; the Supplementary Design Guidance; and the National Planning Policy Framework.</p> <p>Furthermore, the proposed development, due to its scale, bulk and siting would unacceptably harm the amenity and living conditions of the occupiers of No. 80, through loss of light to habitable rooms and an overbearing presence of built form close to its boundary.</p>	

Reasons for Refusal:

1. 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 Emerging Local Plan; and the National Planning Policy Framework.
2. The proposed development, by virtue of the extensions positioning, scale and design, would result in a discordant and overbearing addition to the dwelling that would fail to complement and reflect the design and appearance of the application dwelling. Accordingly, the proposed development represents a poor standard of design which is harmful to the appearance of the application dwelling and the character of the area, contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan; Policies SP9 and SADM11 of the Emerging Local Plan; the Supplementary Design Guidance; and the National Planning Policy Framework.
3. The proposed development, due to the scale, bulk and siting of the extension, would unacceptably harm the amenity and living conditions of the occupiers of No.

80, through loss of light to habitable rooms and an overbearing presence of built form close to the shared boundary between the application site and No. 80.

REFUSED DRAWING NUMBERS

4.

Plan Number	Revision Number	Details	Received Date
76/2018	1	Location and block plan	8 August 2022
76/2018	A	Existing and proposed plans	17 August 2022

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
11 October 2022