

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

DELEGATED APPLICATION

Application No: 6/2022/2530/HOUSE
Location: The Lodge 2 Northaw Place Coopers Lane Northaw Potters Bar EN6 4NQ
Proposal: Erection of a part-single, part-two storey side extension and part subterranean extension
Officer: Ms Kirsty Shirley

Recommendation: Refused

6/2022/2530/HOUSE

Context	
Site and Application description	<p>The application site is located to the west of Coopers Lane and is comprised of a two-storey detached dwelling with detached garage, sizeable driveway and extensive garden. The site lies entirely within the Metropolitan Green Belt.</p> <p>This application follows previously refused application 6/2022/1508/HOUSE. Application 6/2022/1508/HOUSE was refused on the basis of inappropriate and harmful development within the Green Belt and poor standard of design.</p> <p>Following this application, a pre application enquiry was submitted.</p> <p>This application (6/2022/2530/HOUSE) is for the erection of a part-ground, part-first floor side extension with part subterranean extension.</p>
Constraints (as defined within WHDP 2005)	<p>AAS - Area of Archaeological Significance Area of Archaeological Significance : AAS43 - Distance: 0 GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0 PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0 ROW - FOOTPATH (NORTHAW 004) - Distance: 44.83 Wards - Northaw & Cuffley - Distance: 0 A4D - ARTICLE 4 DIRECTION - Distance: 0 HPGU - Northaw Place Gardens - Distance: 0 HPGU - Northaw Place - Distance: 0</p>
Relevant planning history	<p>Application Number: S6/1982/0021/LB Decision: Granted Decision Date: 18 February 1982 Proposal: Two storey extensions</p> <p>Application Number: S6/1982/0020/FP Decision: Granted Decision Date: 18 February 1982 Proposal: Two storey extensions and detached garage</p> <p>Application Number: S6/1997/0909/LB</p>

	<p>Decision: Granted Decision Date: 15 December 1997 Proposal: Erection of two storey side extension and first floor rear extension</p> <p>Application Number: S6/1997/0910/FP Decision: Granted Decision Date: 15 December 1997 Proposal: Erection of two storey side extension and first floor rear extension</p> <p>Application Number: S6/1998/0859/FP Decision: Granted Decision Date: 30 November 1998 Proposal: Erection of a rear conservatory</p> <p>Application Number: S6/1998/0937/LB Decision: Granted Decision Date: 30 November 1998 Proposal: Erection of a rear conservatory, two storey side extension and first floor rear extension</p> <p>Application Number: S6/1999/0097/FP Decision: Granted Decision Date: 15 March 1999 Proposal: Erection of wooden trellis fence, a maximum of 1.5 metres in height</p> <p>Application Number: S6/2000/0788/FP Decision: Granted Decision Date: 30 October 2000 Proposal: SINGLE STOREY EXTENSIONS TO HOUSE AND GARAGE TO FORM ANNEXE FOR DEPENDANT RELATIVE</p> <p>Application Number: S6/2000/0789/LB Decision: Granted Decision Date: 30 October 2000 Proposal: SINGLE STOREY EXTENSIONS TO HOUSE AND GARAGE TO FORM ANNEXE FOR DEPENDANT RELATIVE</p> <p>Application Number: S6/2001/0909/FP Decision: Granted Decision Date: 28 September 2001 Proposal: ERECTION OF PART TWO STOREY, PART SINGLE STOREY SIDE EXTENSION</p> <p>Application Number: S6/2001/0910/LB Decision: Granted Decision Date: 28 September 2001 Proposal: ERECTION OF PART TWO STOREY, PART SINGLE STOREY SIDE EXTENSION</p> <p>Application Number: S6/2006/1564/FP Decision: Refused Decision Date: 15 January 2007 Proposal: ERECTION OF REAR TWO STOREY EXTENSION AND DEMOLITION OF EXISTING GARAGE</p>
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Application Number: S6/2006/1565/LB
Decision: Refused
Decision Date: 15 January 2007
Proposal: ERECTION OF REAR TWO STOREY EXTENSION AND DEMOLITION OF EXISTING GARAGE

Application Number: S6/2007/0546/FP
Decision: Granted
Decision Date: 29 May 2007
Proposal: ERECTION OF TWO STOREY REAR EXTENSION, CREATION OF LIGHTWELL ON FIRST FLOOR, CREATION OF DOUBLE DOORS TO EXISTING CONSERVATORY AND INTERNAL ALTERATIONS.

Application Number: S6/2007/0549/LB
Decision: Granted
Decision Date: 29 May 2007
Proposal: ERECTION OF TWO STOREY REAR EXTENSION, CREATION OF LIGHTWELL ON FIRST FLOOR, CREATION OF DOUBLE DOORS TO EXISTING CONSERVATORY AND INTERNAL ALTERATIONS.

Application Number: S6/2007/0554/LB
Decision: Granted
Decision Date: 29 May 2007
Proposal: INSERTION OF A ROOFLIGHT TO THE ENTRANCE LOBBY.

Application Number: S6/2014/0442/LUP
Decision: Granted
Decision Date: 30 April 2014
Proposal: Certificate of lawfulness for the proposed conversion of garage to habitable accommodation

Application Number: S6/2014/0753/LUP
Decision: Refused
Decision Date: 30 May 2014
Proposal: Certificate of lawfulness for the erection of a detached outbuilding

Application Number: S6/2014/0980/LB
Decision: Granted
Decision Date: 30 June 2014
Proposal: Conversion of garage to habitable accommodation, including removing garage door, reducing the opening and installing a window to match existing

Application Number: S6/2014/1353/FP
Decision: Refused
Decision Date: 20 August 2014
Proposal: Erection of detached garage

Application Number: 6/2016/0153/HOUSE
Decision: Granted
Decision Date: 01 April 2016
Proposal: Replacement of existing timber fence along Coopers Lane with new timber acoustic fence

Application Number: 6/2022/1508/HOUSE

<p>Decision: Refused Decision Date: 19 August 2022 Proposal: Erection of a two-storey side extension Refusal reasons:</p> <ol style="list-style-type: none"> 1. <i>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.</i> 2. <i>The proposed development, by virtue of the extensions positioning, size and scale, would result in unduly dominant and overbearing additions 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.</i> <p>Application Number: 6/2022/1966/PA Decision: Refused Decision Date: 30 September 2022 Proposal: Erection of a two-storey extension</p>			
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 10 November 2022 Site Notice Expiry Date: 1 December 2022 Neighbour notification letter		
Summary of neighbour responses	None received		
Consultees and responses	Northaw & Cuffley Parish Council – Comment: <i>The Parish Council would like to question the appropriateness of this development within a conservation area.</i> The Gardens Trust – Comment: <i>This property lies within the Locally Listed Northaw Place historic parkland and is part of the setting for the Grade II* listed mansion, with views east/west across the parkland between the two properties and within the Green Belt. We consider that the proposed extensions are not appropriate for this site but if permission is given then further screening from the rest of the parkland should be planted.</i> HCC Historic Environment Advisor – no response Place Services – no response		
Relevant Policies			

NPPF
 D1 D2 GBSP1 GBSP2 M14
 Supplementary Design Guidance Supplementary Parking Guidance Interim Policy for car parking and garage sizes
 Others: RA3

Draft Local Plan Policies: SADM11, SADM34, SP9

Main Issues

Green Belt

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.

Appropriateness

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.

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 application site has been extended and altered over many years. The Local Planning Authority considers that the floor space of the original property was approximately 198m². Additions to the property have resulted in a considerable increase in the overall floorspace of the dwelling so that it is now in excess of 300m², resulting in a floor area that has been increased by over 65% when compared to that of the original building. This application is for the erection of a part single, part two storey side extension with subterranean development. Any additional increase in floor space on the site will increase

	<p>this percentage further. The proposed development would result in an increase in footprint at ground and first floor level, as well as an increase in floor area at subterranean, ground and first floor level. The dwelling as existing already represents a disproportionate increase compared to the original dwelling and as such the proposed development would exacerbate the existing disproportion.</p> <p>In terms of a qualitative assessment, the first-floor extension has been reduced in size compared to previously refused application 6/2022/1508/HOUSE. However, the first-floor extension proposed in this current application still adds bulk and massing to the application dwelling. This application also includes subterranean development, which would add further bulk and massing to the dwelling.</p> <p>It is therefore considered that the proposed extension would be 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.</p> <p><i>Openness</i></p> <p>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.</p> <p>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.</p> <p>The application dwelling is setback from the Coopers Lane and is mostly screened by fencing and vegetation. The subterranean development would be mostly concealed from view due to its positioning below the application dwelling. However, a lightwell and a balustrade surrounding the lightwell would indicate the presence of subterranean development. The intensification of such paraphernalia would diminish the openness of the site.</p> <p>Furthermore, while the first-floor development has been reduced in size compared to previously refused application 6/2022/1508/HOUSE, the development would still introduce built form in an area which currently provides open space.</p> <p>Consequently, the development would result in a material loss of Green Belt openness in spatial terms and the proposal therefore fails to overcome refusal reason 1 of 6/2022/1508/HOUSE.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the</p>	<p>District Plan Policy GBSP2 notes that development within the specified settlements will be limited to that which is compatible with the maintenance and enhancement of their character. 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</p>

<p>streetscene)</p>	<p>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>The proposed ground floor extension would be very limited in scale and would appear subservient to the existing dwelling.</p> <p>The first-floor extension would also appear as a subservient addition to the application dwelling and would feature a half-hipped roof which would be in keeping with the half-hipped roofs featured elsewhere on the dwelling.</p> <p>Four dormers would be inserted into the roof slope, with two on the front facing roofslope and two on the rear facing roofslope. The proposed dormers would appear similar in style, design and scale to the existing dormers on the south facing roofslope. As well, the dormers would be set below the ridge height, appear subservient within the roofslope and having matching fenestration to the windows of the dwelling.</p> <p>The subterranean development would be concealed underground with a modest lightwell serving the underground space to the rear of the dwelling that would be mostly obscured from view due to the surrounding balustrade. The scale and positioning of the balustrade would not appear out of keeping within a domestic garden setting and would not detract from the character of the area.</p> <p>It is therefore considered that the proposed development has overcome previous refusal reason 2 of application 6/2022/1508/HOUSE.</p>
<p>Impact on neighbours</p>	<p>No neighbour representations have been received.</p> <p>Regarding privacy, the nearest property to the application site is located on the other side of Coopers Lane, approximately 20m from the application site. No. 1 Northaw Place is located approximately 95m from the application site. The application site also benefits from vegetative screening, and in combination with substantial distances between the nearest properties, it is considered that the proposed development would not result in a loss of privacy to the occupiers of nearby properties. Similarly, such distancing would not result in nearest properties to experience an undue loss of sunlight nor would the development appear overbearing or unduly dominant to properties in proximity to the application site.</p>
<p>Access, car parking and highway considerations</p>	<p>The development would add an additional two bedrooms within the application dwelling. The site benefits from a detached garage and a sizeable driveway that can accommodate parking for many vehicles. The development therefore retains adequate on-site car parking provision.</p>
<p>Any other considerations</p>	<p><u>Very special circumstances</u></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</p>

	<p>(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 very special circumstances case advanced by the applicant is the case that the development would deliver some fundamental and necessary improvements for the existing occupants as well as allowing extended family to reside within the dwelling.</p> <p>The existing domestic arrangements have not been identified as no longer suitable for the occupant’s needs, and 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.</p> <p>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.</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 Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.</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 Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
1605/00		Site Location	4 November 2022
1605/01	A	Block Plan As Existing And Proposed	4 November 2022
1605/02	A	Floor Plans As Existing	4 November 2022
1605/03	A	Elevations And Sections As Existing	4 November 2022
1605/04	A	Basement And Ground Floor Plans As Proposed	4 November 2022
1605/05	A	First Floor And Roof Plans As Proposed	4 November 2022
1605/06	A	Elevations And Sections As Proposed	4 November 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 Derek Lawrence
20 December 2022