

JEREMY PETER ASSOCIATES
Planning and Development Consultants

21 Britten Road

Penarth, Cardiff

CF64 3QJ

Tel: 02920 703619

Mob: 07879 626401

Email: info@jeremypeterassociates.co.uk

Website: www.jeremypeterassociates.com

**DEMOLITION OF EXISTING RESIDENTIAL DWELLING
AND ERECTION OF REPLACEMENT RESIDENTIAL DWELLING
AT
MANOR COTTAGE,
VINEYARDS ROW,
NORTHAW,
POTTERS BAR,
EN6 4PQ**

PLANNING STATEMENT

JUNE 2021

CONTENTS

1. Introduction
2. Site and Surroundings
3. Development Proposals
4. Planning Policy Context
5. Material Considerations
6. Summary and Conclusions

1. INTRODUCTION

Background

- 1.1 This Planning Statement has been prepared on behalf of the applicant in support of a full planning application at Manor Cottage, Vineyards Road, Northaw, Potters Bar, EN6 4PQ for:

“Demolition of existing residential dwelling and erection of replacement residential dwelling.”

Documents Submitted in Support of this Application

- 1.2 The following documentation is submitted in support of the planning application:

- Planning Application Form;
- Site Location Plan;
- Existing Site Plan, Floor Plans & Elevations;
- Proposed Floor Plans & 3D Views
- Proposed Elevations; and
- Design & Access Statement.

Purpose and Structure of this Statement

- 1.3 This Planning Statement outlines the context within which the application is made and provides a detailed examination of the main planning considerations together with reasoned justification in support of the proposed development

- 1.4 The Statement is structured as follows:

- **Section 2:** provides a description of the characteristics of the site and surrounding area, and details regarding the planning history associated with the site;
- **Section 3:** provides details of the development proposals;
- **Section 4:** outlines the relevant planning policy framework in relation to the site and the development;
- **Section 5:** analyses the key material considerations arising from the proposed development (in light of the planning policy context);
- **Section 6:** sets out the conclusions.

2. SITE AND SURROUNDINGS

Site Location

- 2.1 The application site comprises Manor Cottage which is a detached dwelling on the western side of Vineyards Road and is accessed via the private road that also serves a property known as Nyn Manor.



Aerial View of Manor Cottage



Street Scene View of Manor Cottage from Vineyards Road looking along Nyn Manor Lane



Street Scene View of Manor Cottage from Vineyards Road looking North



Street Scene View of Manor Cottage from Vineyards Road looking South

- 2.2 As illustrated by the aerial view and street scene photographs above, the existing house is located in a large garden plot and is enclosed along Vineyards Road and Nyn Manor Lane by a mature hedgerow. The principal elevation of the existing house fronts Nyn Manor Lane.
- 2.3 The site is located within the Metropolitan Greenbelt and a Landscape Character Area (Northaw Common Parkland).

Site Planning History

- 2.4 The following planning history applies to Manor Cottage as summarised in the table below.

Ref	Description	Decision	Date
6/2021/0022/LAWP	Certificate of Lawfulness for erection of gates and supporting piers	Refused	18/02/2021
6/2021/0004/HOUSE	Construction of new access and crossover	Refused	09/03/2021
6/2020/3347/PN27	Prior approval for an additional storey on the existing property	Prior Approval Required & Granted	04/02/2021
6/2020/2587/PN27	Prior approval for the construction of an additional storey to facilitate the enlargement of the dwelling house to a maximum of approx 8.986m in	Prior Approval Required & Refused	01/12/2020

Ref	Description	Decision	Date
	height.		

Ref	Description	Decision	Date
6/2020/1980/HOUSE	New entrance gate and driveway	Refused	09/11/2020
		Appeal Dismissed	04/06/2021
6/2018/1967/LAWP	Certificate of Lawfulness for erection of Outbuilding	Refused	05/10/2018
6/2018/1666/LAWP	Erection of single storey side extension	Granted	04/09/2018
6/2018/1107/LAWP	Certificate of lawfulness for the erection of side extension and outbuilding	Refused	21/06/2018
6/2018/0713/PN8	Prior approval for the erection of a single storey rear extension measuring 8m in depth, 2.441m in height and 2.280 to the eaves	Prior Approval Not Required	19/04/2018
6/2018/0297/LAWP	Certificate of lawfulness for the erection of two single storey side extensions and an outbuilding	Refused	11/04/2018
6/2018/0048/PN8	Prior approval for the erection of a single storey rear extension measuring 8 in depth, 2.843m in height and 2.543m to the eaves	Prior Approval Required & Refused	15/02/2018
6/2017/2664/LAWP	Certificate of Lawfulness for the erection of 2x single storey side extensions, erection of outbuilding and the installation of dormer widow	Refused	15/01/2018
6/2017/2646/PN8	Prior approval for the erection of a single storey rear extension measuring 8m in depth, 2.8m in height and 2.541m to the eaves.	Prior Approval Refused	22/12/2017
S6/2009/1131/FP	Erection of two storey side extension and new front gable to roof	Refused	04/09/2009
E6/1969/0499	Extension to bungalow	Granted	27/03/1969
E6/1968/0856	Extension to form living room, 4 bedrooms & bathroom	Refused	13/06/1968
E6/1957/1479	Extension to bungalow	Granted	23/01/1958

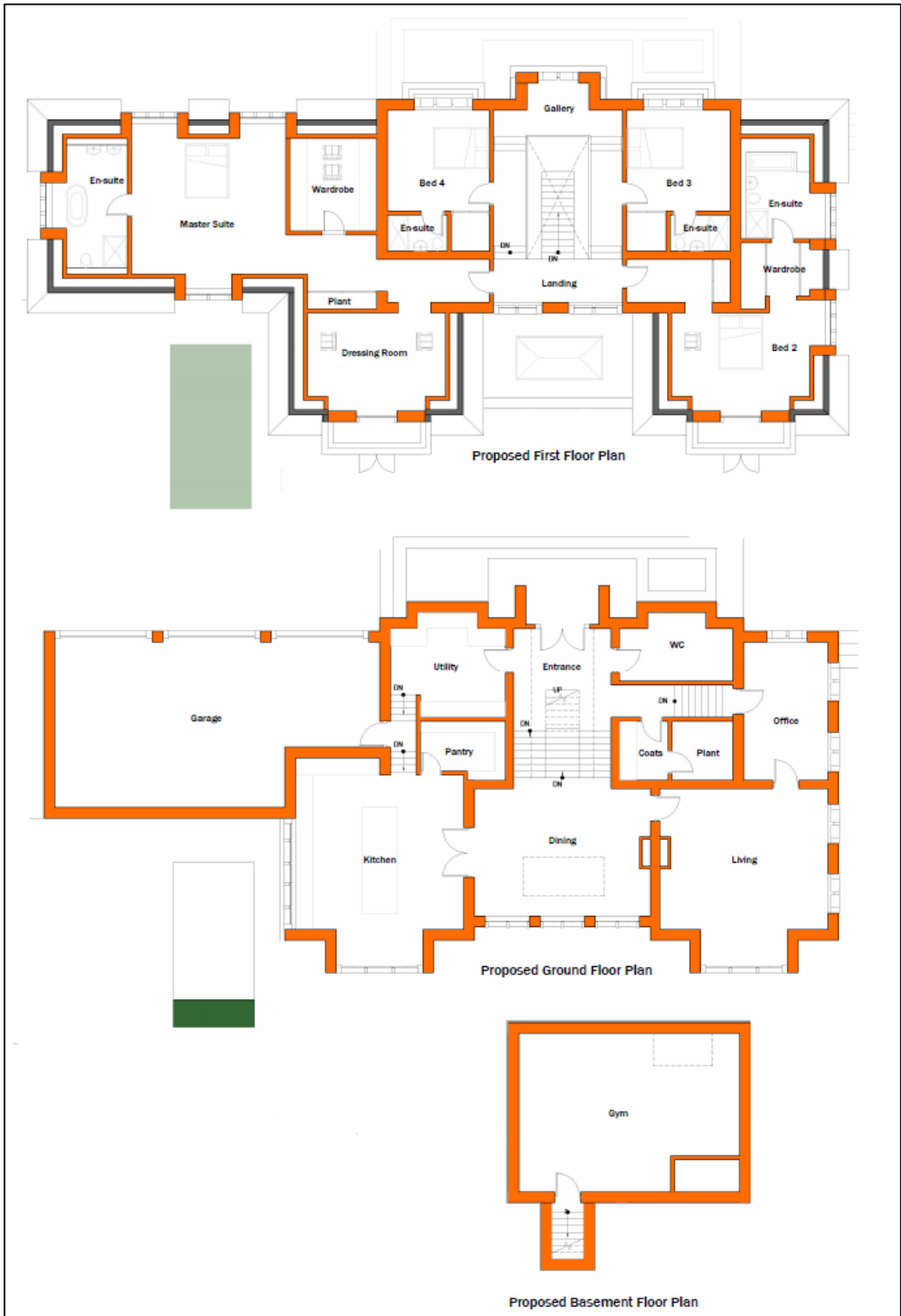
3. DEVELOPMENT PROPOSALS

Description of Development

- 3.1 This planning application is for the demolition of the existing residential dwelling and erection of a replacement residential dwelling.
- 3.2 Extracts of the existing and proposed floor plans and elevations are provided below for reference.



Existing Floor Plans



Proposed Floor Plans



Existing Elevations



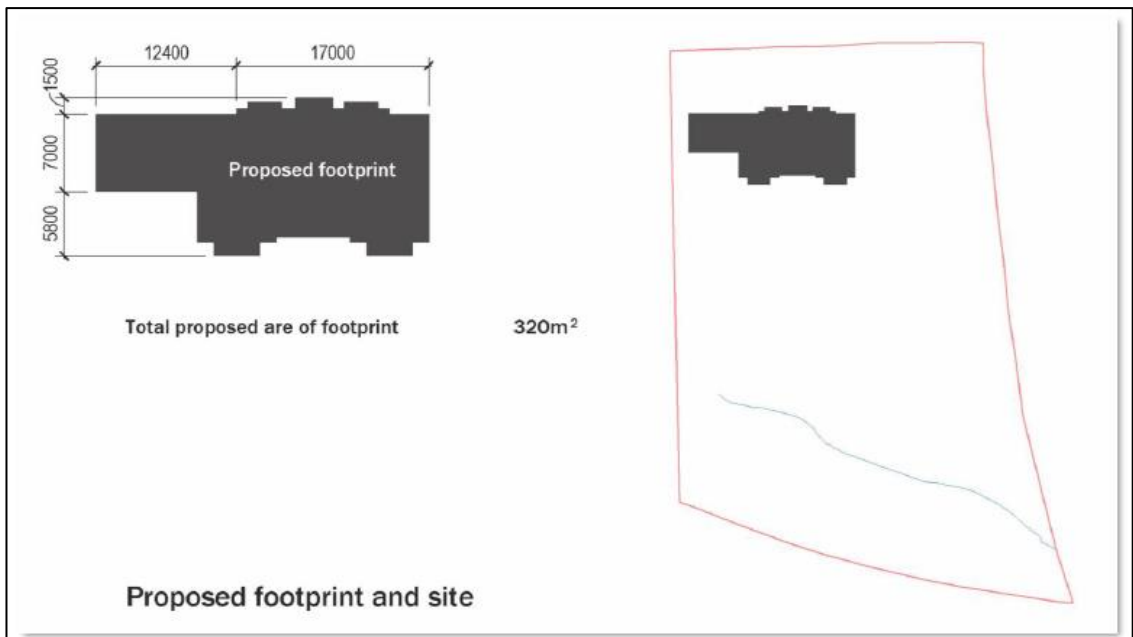
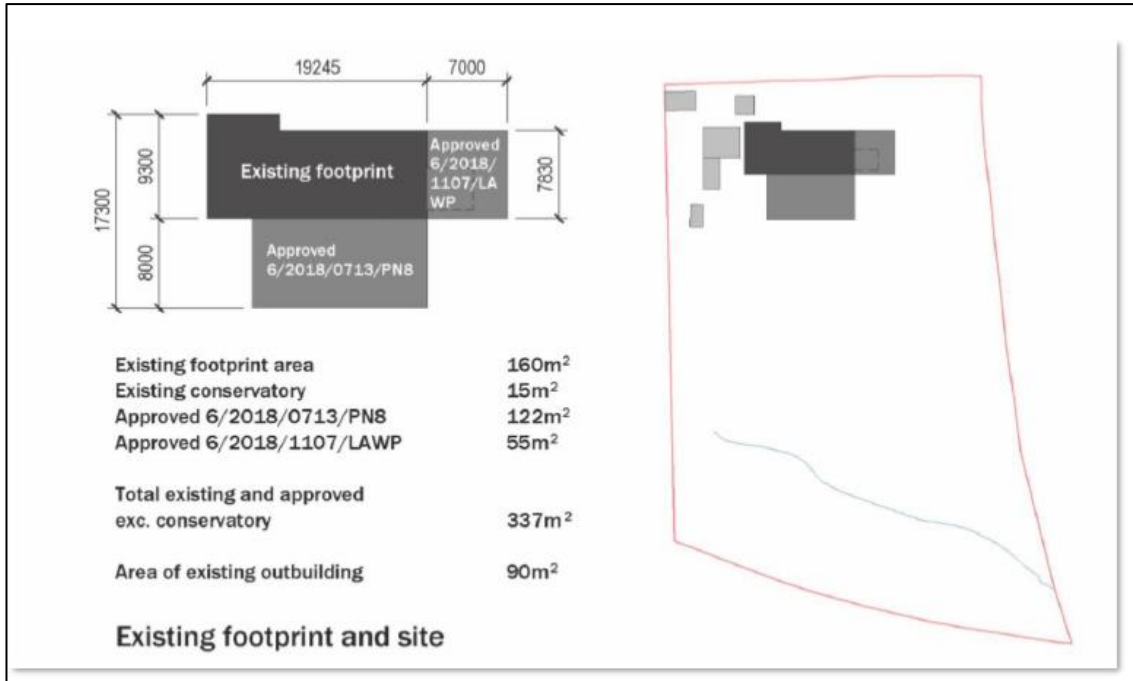
Proposed Elevations

3.3 Certificates of Lawful Development have been obtained for three differing elements on the site:

- Prior approval for the erection of a single storey rear extension measuring 8m in depth, 2.441m in height and 2.280 to the eaves (6/2018/0713/PN8);
- Erection of single storey side extension (6/2018/1666/LAWP); and
- Prior approval for an additional storey on the existing property (6/2020/3347/PN27).

3.4 Each of these applications have sought to improve the way the existing property functions. However, the proposed development would result in a more coherent dwelling that will be in keeping with existing larger properties of a similar scale and design on Vineyards Road and the vicinity generally as demonstrated in the submitted Design and Access Statement.

3.5 The diagrams below illustrate how the proposed development respects the footprint of the existing building and outbuildings, consolidating everything into a single smaller footprint within the site.



- 3.6 Further to the area comparison, the application for prior approval for the additional storey helps define the height of the property. The proposed development respects this constraint and does not exceed it. The roof will also vary as the building steps with the topography of the site so that it fits seamlessly onto the site.
- 3.7 The volume of the replacement building has also been carefully considered. The sum volume of the existing property and the outbuildings above ground are as follows:

Existing Main House excluding the conservatory = 770m³
Existing extensions and permissions excluding the conservatory = 1229m³
Total existing volume = 1099m³

- 3.8 As there is no policy or supporting text limiting the increase in volume in the adopted District Plan, although carrying limited weight, paragraph 25.10 from the Draft Local Plan has been used to determine the limit of volume. This states:

“In determining what would constitute a disproportionate extension to a building, a quantitative and qualitative assessment will be undertaken. In quantitative terms, proposals that would result in the footprint, volume and/or above ground external dimensions (height, width) of a building being 50% greater than the original building would generally be refused.”

- 3.9 Therefore, the following determines the limits of volume:

*Main House including an additional 50% = 1155m³ (770m³ x 150%)
Existing extensions and permissions excluding the conservatory = 1229m³
Upper volume limit for the proposed building = 2384m³ above ground level*

The proposed new dwelling house = 2376 m³ above ground level

- 3.10 In summary, the proposed development would not exceed the volume of the existing house and the implemented extant permissions. It has been carefully designed to achieve a development that is appropriate in terms of character and visual amenity in that it remains stepped back from the main road and does not exceed the established constraints of the existing building and permission.

4. PLANNING POLICY CONTEXT

Introduction

- 4.1 This section of the statement provides a summary of the relevant planning policy framework in relation to the site and the proposed development from the national through to the local level.
- 4.2 The key planning policies of relevance to the determination of the application are outlined below and a detailed assessment of the proposed development against these is provided in Section 5 of the Statement (Material Considerations).

National Planning Policy

- 2.5 The National Planning Policy Framework (NPPF) (February 2019) sets out the Government's planning policies for England and cites the legal requirement under Section 38(6) of the 2004 Planning and Compulsory Purchase Act that planning permission be determined in accordance with the development plan unless material considerations indicate otherwise (paragraph 2).
- 2.6 Chapter 2 (Achieving Sustainable Development), Chapter 11 (Making Effective Use of Land), Chapter 12 (Achieving Well-Designed Places) and Chapter 13 (Protecting the Green Belt) are relevant to the proposed development and are summarised below.
- 2.7 Chapter 2 states that the purpose of the planning system is to contribute to the achievement of sustainable development and that sustainable development needs to be pursued in a positive way so much so that at the heart of the NPPF there is a presumption in favour of sustainable development.
- 2.8 Chapter 11 clarifies that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 2.9 Chapter 12 states that planning policies and decisions should ensure that development is sympathetic to local character and history and create places that are safe, inclusive and accessible.
- 2.10 Chapter 13 discusses how proposals in the Green Belt should not be approved except in very special circumstances.

Adopted Local Planning Policy

- 2.11 The application site is within the administrative LPA boundary of Welwyn Hatfield Borough Council and the adopted development plan comprises the Welwyn Hatfield District Plan.
- 2.12 The site is located within the Metropolitan Greenbelt and a Landscape Character Area (Northaw Common Parkland) as illustrated by the policies map extract below.



Proposals Map Extract

2.13 The policies of relevance to this proposal, given the above, are set out below:

- SD1: Sustainable Development
- GBSP1: Definition of the Green Belt
- R1: Maximising the Use of Previously Developed Land
- R3: Energy Efficiency
- R11: Biodiversity & Development
- R17: Trees, Woodlands & Hedgerows
- M14: Parking Standards for New Development
- D1: Quality of Design
- D2: Character & Context
- D8: Landscaping
- H2: Location of Windfall Residential Development
- RA4: Replacement of Dwellings in the Green Belt
- RA10: Landscape Regions & Character Areas

Draft Local Planning Policy

2.14 The Welwyn Hatfield Local Plan is currently undergoing independent examination and will be the blueprint for future growth in the borough.

2.15 In the Draft Local Plan, the site is located within the Green Belt as illustrated by the policies map extract below.



Draft Proposals Map Extract

2.16 The draft policies of relevance to this proposal, given the above, are set out below:

- SP3: Settlement Strategy and Green Belt Boundaries;
- SP9: Place Making and High Quality Design;
- SP25: Rural Areas;
- SADM2: Highway Network and Safety;
- SADM11: Amenity and Layout;
- SADM12: Parking, Servicing and Refuse;
- SADM16: Ecology and Landscape; and
- SADM34: Development in the Green Belt.

2.17 However, the weight that can be attributed to these policies is limited as the findings of the examination in public are awaited. Therefore, they are not discussed further in this Planning Statement.

Supplementary Planning Documents

2.18 The following adopted SPD is also considered to be of relevance to the proposed development:

- Supplementary Design Guidance;
- Supplementary Parking Standards;
- Interim Policy for Car Parking & Garage Sizes.

5. MATERIAL CONSIDERATIONS

5.1 The key material planning considerations arising from the proposed development (in light of the planning policy context outlined within the preceding section of the Statement) are considered to be as follows:

- Principle of Development
- Green Belt;
- Landscape Character Area;
- Character & Visual Amenity (Design);
- Residential Amenity
- Highways and Parking; and
- Other Considerations (Renewable Energy; Landscaping, Ecology & Biodiversity; Refuse & Recycling)

Principle of Development

5.2 With regards to the principle of the proposed development, District Plan Policies SD1 & R1 state that,

“Development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the [District] Plan.”

“In order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed.”

5.3 These policies are consistent with Chapter 11 of the NPPF which supports making effective use of land and Chapter 2 which focuses on achieving sustainable development.

5.4 The site has not been allocated in the District Plan for additional housing supply and so is a windfall residential site. Policy H2 states that,

“All applications for windfall residential development will be assessed for potential and suitability against the following criteria:

i. The availability of previously-developed sites and/or buildings;

ii. The location and accessibility of the site to services and facilities by transport modes other than the car;

iii. The capacity of existing and potential infrastructure to absorb further development;

iv. The ability to build new communities to support infrastructure and provide demand for services and facilities; and

v. The physical and environmental constraints on development of land.”

5.5 The proposed development is land considered to be a previously developed site. As there will be no net gain in the number of dwellings on the site, there is no requirement for additional infrastructure capacity, services or facilities. There will also be no physical or environmental constraints as the land is already in residential use. The proposal is also replacement dwelling.

- 5.6 Given the above, it is therefore considered that the proposed development is in accordance with District Plan Policies SD1, R1 & H2 as well as the NPPF with regards to the principle of development.

Green Belt

- 5.7 The site is located within the Metropolitan Greenbelt as defined by District Plan Policy GBSP1 which states that,

“The Green Belt will be maintained in Welwyn Hatfield as defined on the Proposals Map... The precise boundaries of the Green Belt around [the towns and specified settlements] are defined on the Proposals Map”

- Policy RA4 of the District Plan in respect of replacement dwellings states that,

“Permission for replacement dwellings within the Green Belt will not be granted unless all of the following criteria are met:

- The replacement dwelling would not materially exceed the size of the original dwelling in terms of its floorspace, height and volume (existing outbuildings (including detached garages) will not contribute to the calculation of the size of the replacement dwelling except in very exceptional circumstances);*
- The proposed dwelling would have no greater visual impact in terms of prominence, bulk and design on the character, appearance and pattern of development of the surrounding countryside;*
- The proposed dwelling is designed to reflect the character and distinctiveness of its rural setting and to accord with the design policies elsewhere in the plan and the supplementary design guidance.*

- 5.8 NPPF Paragraph 143 states:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

- 5.9 Paragraph 145 goes on to state that the construction of new buildings are inappropriate in the Green Belt. However, one of the exceptions to inappropriate development is

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- 5.10 The proposed development is a replacement dwelling. As stated in Chapter 3 above, Certificates of Lawful Development have been obtained for the existing dwelling for three differing elements on the site:

- Prior approval for the erection of a single storey rear extension measuring 8m in depth, 2.441m in height and 2.280 to the eaves (6/2018/0713/PN8);
- Erection of single storey side extension (6/2018/1666/LAWP); and
- Prior approval for an additional storey on the existing property (6/2020/3347/PN27).

- 3.11 As already demonstrated in Section 3 of this statement and the Design and Access Statement, it is contended that these alterations increase the overall volume of the existing dwelling in excess of that of the proposal. This can be regarded as the “fall back” position which has been clarified by case law – 2017 Court of Appeal Judgement (Mansell v Tonbridge & Malling Borough Council [2017] EWCA Civ 1314). In this

judgement, Lindblom LJ confirmed the legal considerations in determining the materiality of the “fall back position” were as follows:

- the basic principle is that for a prospect to be a real prospect, it does not have to be probable or likely, a possibility will suffice.
- there is no rule of law that in every case the “real prospect” will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases, that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-makers judgement in the particular circumstances of the case in hand.

3.12 Given that the proposed development will result in a dwelling that is not materially larger than the “fall back” position as a result of the approved extensions, it is contended the proposed development is appropriate as it is a replacement building in the same use, is not materially larger at 46% than the one it replaces, and it does not exceed the established constraints of the existing building or permissions.

3.13 Given the above, it is therefore considered that the proposed replacement dwelling is in accordance with District Plan Policy RA4 as well as within the limitations of paragraph 25.10 of the Draft Local Plan and paragraph 145(d) of the NPPF, in that it is not constitute inappropriate development in the Green Belt.

Landscape Character Area

3.14 The NPPF states that developments should be sympathetic to landscape setting while Policy RA10 of the District Plan states that,

“Proposals for development in the rural areas will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located as defined in the Welwyn Hatfield Landscape Character Assessment.”

3.15 The proposed development is located within the Northaw Common Parkland Landscape Character Area which is characterised by parkland features, with landscapes that have been created through the historic development of these parklands and estates. The area is predominantly rural in character with formal parkland and estate entrances being the norm. The recommended strategy for the area includes ensuring that historic hedged field boundary patterns are retained and that any new planting improves the character of the area.

3.16 The proposed development will utilise the existing vehicular and pedestrian access to the site via the private lane that serves Nyn Manor resulting in no greater impact on the character of this private lane or the adjacent Vineyards Road as the defined mature boundary treatments will be retained apart from a small section which will be removed for a second vehicular access.

3.17 Given the above, it is therefore considered that the proposed development is in keeping with its surroundings and would not be visually intrusive or out of keeping with the character of the area as it accords with Policy RA10 of the District Plan and the NPPF.

Character & Visual Amenity (Design)

3.18 Policy D1 of the District Plan states that,

“The Council will require the standard of design in all new development to be of a high quality.”

3.19 Policy D2 of the District Plan states that,

“The Council will require all new development to respect and relate to the character and context of the area in which it is proposed. Development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area.”

3.20 Furthermore, the Council’s Supplementary Design Guidance (SDG) 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 and the NPPF considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

3.21 The proposed development is in keeping with the majority of the dwellings on Vineyards Road which are detached, of varying size and appearance and span the width of the plot. Examples of the various other dwellings are included within the Design and Access Statement. Therefore, the proposed design, scale and visual appearance would be in keeping with other similar large detached dwellings in the vicinity.

3.22 The proposed development would also respect the sloping nature of the site and the Certificates of Lawful Development that have been obtained on the site for the rear extension, side extension and additional storey as discussed above and in Section 3 which if implemented would result in a less coherent and sympathetic dwelling than that proposed by this application.

3.23 As stated in the Design & Access Statement,

“The elevations are well balanced and finished with high quality natural stone. All the windows and doors will be detailed to reflect this quality. The architectural scale is smaller at the entrance and sides, respecting all the surrounding buildings. The rear of the property is naturally grander because of the slope of the site, but the architectural approach means that it respects the overall scale. This is achieved in part through the consistent level of the eaves.

The location of the building is very deliberate, as it takes into account the varying floor levels required to ensure that the building sits in the topography successfully. It remains stepped back from the main road and it does not exceed the established constraints of the existing building and permissions”

3.24 In addition, precise details of the external materials can be secured by way of a suitably worded planning condition.

3.25 Given the above, it is therefore considered that the proposed development is in accordance with Policies D1 and D2 of the District Plan, the SDG and the NPPF with regards to character and visual amenity.

Residential Amenity

- 3.26 The NPPF states in paragraph 127f that planning policies and decisions should ensure that development creates places with a high standard of amenity for existing and future users while the District Plan SDG seeks to ensure that all new residential development minimises overlooking between dwellings.
- 3.27 The proposed development sits within the footprint of the existing dwelling on the site and will have the same orientation so, given the proposed position and layout, it will have no significant adverse impact on residential amenity for future or existing neighbouring residents.
- 3.28 It will also provide sufficient indoor space and sufficient outdoor amenity space thereby ensuring reasonable living conditions for both neighbours and existing occupiers and will not result in harm that would be detrimental to the living conditions of neighbouring occupiers.
- 3.29 Given the above, it is therefore considered that the proposed development is in accordance with NPPF paragraph 127f and the District Plan SDG with regards to impacts on residential amenity.

Highways & Parking

- 3.30 Policy M14 of the District Plan states that,
- “The Council will require parking provision for new development to be made in accordance with the standards set out in the Council’s supplementary planning guidance on parking.”*
- 3.31 Welwyn Hatfield’s Supplementary Parking Standards SPD clarifies that residential dwellings comprising 4 or more bedrooms, not in zones 1 or 2, require 3 spaces per dwelling.
- 3.32 The proposed development includes a triple garage. Therefore, it would not only meet the car parking standards but providing sufficient space for safe and secure cycle parking too.
- 3.33 Furthermore, access to the site retains the existing vehicular and pedestrian accesses and a second vehicular access is also proposed. It is submitted that there is no impact on highway safety as the second access will be located on the private lane that serves Nyn Manor and not Vineyards Road.
- 3.34 Given the above, it is therefore considered that the proposed development is in accordance with Policy M14 of the District Plan and the Supplementary Parking Standards SPD with regards to highways and parking.

Other Considerations

- Renewable Energy;
- Landscaping, Ecology & Biodiversity; and
- Refuse & Recycling.

- 3.35 In relation to renewable energy, the proposed development will be constructed to minimise energy consumption and will adhere to all relevant building regulations in place at the time of construction in accordance with Policy R3 of the District Plan.
- 3.36 Given the proposed development is of a similar footprint to the existing dwelling, it is proposed to retain the existing mature garden and boundary hedgerows apart from a small section of hedgerow to facilitate a second vehicular access. The loss of this hedgerow can be offset within the existing garden ensuring no net loss of biodiversity in accordance with Policies R11, R17 & D8 of the District Plan and precise details of the landscaping can be secured by way of a suitably worded planning condition.
- 3.37 Refuse and recycling storage can easily be accommodated on the site without having to be brought through the dwelling for collection and it is not, therefore necessary, for a planning condition requiring details of a bin storage area to be approved by the Local Planning Authority.

6. SUMMARY AND CONCLUSION

- 6.1 This Planning Statement for the demolition of existing residential dwelling and erection of a replacement residential dwelling outlines the context within which the application is made and provides a detailed examination of the main planning considerations together with reasoned justification in support of the granting of planning permission.
- 6.2 In essence it is submitted that the proposal would not have any more material impact than the existing dwelling and its implemented permissions, the “fall back” position which is a significant material consideration that weighs heavily in favour of the development.
- 6.3 Having regard to the other key material considerations, it is considered that the proposed development is policy compliant in terms of the NPPF and the Welwyn Hatfield District Plan.
- 6.4 Accordingly, it is therefore considered that the proposed development is acceptable and it is respectfully request that the application be approved.