



Appeal Decision

Site visit made on 10 October 2007

by **Andrew Jeyes** BSc DipTP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
15 October 2007

Appeal Ref: APP/C1950/A/07/2048215
Tennis Court House, Bedwell Park, Essendon, Hatfield,
Hertfordshire AL9 6HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Kieran Griffin against the decision of Welwyn Hatfield District Council.
- The application Ref S6/2007/592/FP, dated 10 April 2007, was refused by notice dated 5 June 2007.
- The development proposed is a swimming pool and summer house.

Decision

1. I allow the appeal, and grant planning permission for a swimming pool and summer house at Tennis Court House, Bedwell Park, Essendon, Hatfield, Hertfordshire AL9 6HN in accordance with the terms of the application, Ref S6/2007/592/FP, dated 10 April 2007, and the plans submitted with it, subject to the following conditions:-
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) No development shall take place until joinery details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until full details of existing trees, hedges and shrubs on the site indicating those to be retained and those to be removed have been submitted to and approved in writing by the local planning authority.
 - 4) In this condition "retained tree, hedge or shrub" means an existing tree, hedge or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.
 - i) No retained tree, hedge or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping

approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

- ii) If any retained tree, hedge or shrub is removed, uprooted or destroyed or dies, another tree, hedge or shrub shall be planted at the same place and that tree, hedge or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with details to be submitted to and approved in writing by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of this development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

Planning Policy

2. The site is within the Green Belt. Policy RA1 of the adopted Welwyn Hatfield District Plan 2005 [LP] sets out a general presumption against development within the Green Belt and LP Policy RA3 indicates that within the Green Belt, extensions to existing dwellings, including outbuildings, are acceptable where they individually, or together with existing or permitted extensions, would not result in the disproportionate increase in size to the house and would not otherwise have an adverse visual impact. These policies reflect national guidance set out in PPG2: *Green Belts* [PPG2]. LP Policy R25 indicates that proposals which would adversely affect the setting of a listed building are not acceptable.

Main Issues

3. I consider the main issues to be:-
 - [i] whether the proposed development would constitute inappropriate development within the Green Belt and, if so, whether there are any material considerations sufficient to clearly outweigh any harm thereby justifying it on the basis of very special circumstances; and
 - [ii] the effect of the development on Bedwell Park, a Grade II listed building, and its gardens.

Reasons

4. The site is set within the landscaped grounds of Bedwell Park at the crest of a ridge with land falling northwards towards the former formal landscaped gardens of the main house and southwards over parkland. The site is within the garden of a new house under construction, which is one of nine new dwellings being developed as part of an overall scheme to restore and convert Bedwell Park, a former golf club house, and its surrounding buildings to residential use. The pool and summer house would be surrounded on three sides by a substantial screen of rhododendrons with an open side facing east towards Tennis Court House. The outdoor pool, including surround, would be some 14 x 8 metres with a 6 x 6 metre square summer house 5.5 metres high at the western end. The summer house would be on the site of a previously permitted smaller summer house.

5. To the north-east of the site, within the former walled garden to Bedwell Park, an outdoor swimming pool and associated pool house is under construction in connection with the Walled Garden House, together with a tennis court with associated fencing, summer house and covered parking in the rear garden. This scheme has been granted planning permission as part of the overall development.
6. The Council indicate that the floorspace of the pool plus that of the summer house would represent a disproportionate increase in the size of Tennis Court House. Whilst the pool and the summer house would increase the built-up elements within the garden, the formation of an outdoor swimming pool would not constitute an extension or outbuilding to the property and would not add to the floorspace of the house. In addition, as it would be set entirely within the ground it would not add to the bulk or mass of the property. The summer house is of modest dimensions and replaces a smaller permitted summer house and would not be of disproportionate size compared to the new house. Whilst some distance away from the property, it would not have a significantly greater impact on the openness of the area than the permitted summer house. In my view, the pool and summer house would represent a proportionate extension to Tennis Court House.
7. I therefore conclude that the proposals would not harm the appearance of the area and would constitute appropriate development within the Green Belt and would comply with LP Policies RA1 and RA3.
8. Both the pool and the summer house would be screened by existing vegetation from surrounding view, other than minor views through the access gateway to Tennis Court House, this gateway facing away from the listed building and its formal gardens. The summer house would be of a traditional country house style and would, even where visible, not look out of place within this parkland landscape and would reflect other similar developments within the locality. Providing this screening is retained, I am of the view that neither the pool nor the summer house would have an adverse impact on the setting of Bedwell Park or its gardens. I therefore conclude that the proposal would not harm the setting of a listed building or its gardens and that it would comply with LP Policy R25.
9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

10. I have considered the conditions submitted by the Council having regard to the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. I have adjusted their wording where necessary in the interests of clarity. I agree that conditions relating to materials and the retention of landscaping are required to ensure the development has a satisfactory appearance and setting. As the plans submitted with the application do not include any landscaping details I have amended the condition to include the submission of a landscaping scheme. However, I do not consider that it is necessary for a condition to be attached relating to drainage and water filtration systems as this is a matter that is covered by other legislation.

Andrew Jeyes

INSPECTOR