

WELWYN HATFIELD COUNCIL
PLANNING CONTROL COMMITTEE – 12 MARCH 2009
REPORT OF THE DIRECTOR (STRATEGY AND DEVELOPMENT)

(A) S6/2009/0218/FP

(B) S6/2009/0333/FP

WEST LODGE, COOPERS LANE, NORTHAW, POTTERS BAR, EN6 4NE

(A) ERECTION OF REPLACEMENT TWO BEDROOM DWELLING INCORPORATING THE INSTALLATION OF TWO SEMI-DORMER WINDOWS TO EACH FRONT AND REAR ELEVATION, MINOR VARIATION TO PLANNING APPROVAL S6/2006/1596/FP, INCLUDING SIDE EASTERN EXTENSION, REVISED FENESTRATION, ALTERATIONS TO THE FRONT PORTICO AND OMISSION OF THE GARAGE BLOCK

(B) REPLACEMENT THREE BEDROOM DWELLING INCORPORATING THE INSTALLATION OF TWO SEMI-DORMER WINDOWS TO EACH FRONT AND REAR ELEVATION, MINOR VARIATION TO PLANNING APPROVAL S6/2006/1596/FP, INCLUDING EAST WING EXTENSION, REVISED FENESTRATION, ALTERATIONS TO FRONT PORTICO AND OMISSION OF THE GARAGE BLOCK

APPLICANT: Mr Jon O'Brien

(Northaw & Cuffley)

1 Site Description

- 1.1 The site is located on the eastern side of Coopers Lane, to the southwest of the main village of Northaw. The site lies to the south of the main vehicular entrance point, with its western boundary abutting Coopers Lane, its eastern boundary is adjacent to a walled former kitchen garden and the southern boundary abuts open land. There are a number of mature Oak and Horse Chestnut trees within the site. A number of these are the subject of a Tree Preservation Order (TPO 263 confirmed on 16 December 2002).
- 1.2 The site was formerly part of the Northaw House Country Estate. The principal building, Northaw House, is Grade II listed and has been used as an office since the early 1970's, primarily occupied by the Architects' Co-Partnership. Prior to the office use the site has indication of use as an institution or hospital. Northaw House is situated in a parkland setting, directly to the east of the subject proposal with associated ancillary buildings (gardeners cottage, stables and apple store) walled kitchen garden and associated land. Members will be aware that planning permission has recently been resolved for residential use of Northaw House and new build and conversions to provide further residential accommodation.
- 1.3 The site currently comprises a part built replacement dwelling which is the subject of these two planning applications. The site is also subject to an

application for a 'certificate of lawfulness for a proposed residential dwellinghouse' (S6/2009/0220/LU).

2 Background

- 2.1 Members will recollect a planning application being presented to Committee on the 18th January 2007 which included minor alterations to an earlier planning permission to include two dormer windows on each of the front and rear elevations. Since this time, there has been discussions regarding the design and alterations to the scheme as well as larger alterations including a single storey addition to the east wing.
- 2.2 Earlier drawings on application S6/2006/1596/FP showed the footprint of a car port and east wing to the building on the site plan although these had not been included in the elevational drawings or within the description of the development. Legal advice has been sought as to whether planning permission would have been granted for these with the conclusion that permission was not granted for the east wing or car port.
- 2.3 The 'starting point' therefore for these applications is the footprint that was approved, together with the height, scale, mass and bulk of the previous application (S6/2006/1596/FP) together with, where relevant, reference to the decision by the Inspector against the non-determined planning application S6/2005/0202/FP.

3 The Proposal

- 3.1 The proposals seeks full planning permission for a replacement dwelling. The built form of the two proposals is the same for each application, the difference lies with application (B) providing a first floor with Juliet window to the rear (south) elevation and one additional bedroom together with his/her bathrooms, dressing room and study/store room within the first floor accommodation.
- 3.2 The replacement dwelling is identical in relation to height, scale and massing as that approved under application S6/2006/1596/FP with the exception of the front (north) portico which is slightly larger and the provision of a side (east wing) extension for both of these applications.

4 Planning History

- 4.1 S6/2003/0547/FP Replacement dwelling - Withdrawn

S6/2003/1130/FP

Erection of a replacement dwelling of a floor space greater than that approved under reference S6/1999/1099/FP on 28 January 2004 - Refused

S6/2004/113/FP

Replacement dwelling (approximately the same floor space as that permitted under reference S6/1999/1099/FP but of a different design)- Granted

S6/2005/0202/FP

Replacement dwelling

An appeal against the Council's failure to determine the application was lodged (reference APP/C1950/A/05/1183420) – Appeal Allowed

S6/2006/211/FP Replacement detached dwelling and car port – Refused

S6/2006/1596/FP

Replacement dwelling incorporating the installation of four semi dormer windows to front and rear elevations – Granted

S6/2009/0220/LU

Certificate of lawfulness for a proposed replacement dwelling – pending consideration

5 Planning Policy

5.1 National Policy

PPS1: Delivering sustainable development

PPG2: Green Belts

PPS3: Housing

PPG13: Transport

5.2 East of England Plan 2008

SS1: Achieving Sustainable Development

T14: Parking

ENV2: Landscape Conservation

ENV7: Quality in the Built Environment

5.3 Hertfordshire Structure Plan Review 1991 – 2011

None

5.4 Welwyn Hatfield District Plan 2005

SD1: Sustainable Development

GBSP1: Definition of Green Belt

R3: Energy Efficiency

R17: Trees, Woodland & Hedgerows

M14: Parking standards for new developments

D1: Quality of design

D2: Character and context

D8: Landscaping

RA4: Replacement Dwellings in the Green Belt

RA10: Landscape Regions and Character Areas

5.5 Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

6 Representations Received

- 6.1 The applications have been advertised by site notice and neighbour notification letters.
- 6.2 Five letters of support have been received raising the following comments for both applications (A) and (B):
- Understand the application is smaller than previously approved
 - The flood prevention works that have previously taken place have resulted in the road at this junction no longer flooding
 - Superb addition to the streetscene
 - Scheme of the highest quality and integrity
- 6.3 Additionally the developer has also submitted a four page petition that was submitted with one of the original West Lodge applications (S6/2004/113/FP) supporting this development.
- 6.4 Additionally one further representation of support has been received for application (B) raising the following comments:
- Small country house in its own right, nevertheless little change compared to the 2 bedroom house
 - Serious attempts to create a balanced building with direct relationship with Northaw House
 - Window proportions are greatly improved – southern however just a little too modern
 - Additional bedroom would not have a serious effect on traffic at the gate
 - Development sits more comfortably in the location than approved schemes.

7 Consultations Received

- 7.1 Landscaping – the proposal would have little arboricultural impact.

8 Parish Council Representations

- 8.1 Northaw & Cuffley Parish Council strongly object to the proposal. *“When first submitted the PC objected that the proposed building was at least 4 times larger than the original West Lodge. The PC would suggest that the variations are not in the least minor. In the original there was no mention of a first floor. The applicant has frequently ignored the given permission and appears to have shown contempt for the planning process. This is contrary to the advice and guidelines given in PPG2 Para 3.6 and Policy RA3 of the Welwyn Hatfield District Plan 2005.”*

9 Discussion

- 9.1 This applications are presented to the Planning Control Committee because they have been objected to by Northaw & Cuffley Parish Council.
- 9.2 The main issues for consideration with these proposals are:
- 1. Whether the proposal complies with policies for replacement dwellings in the Green Belt;**

2. **Whether the scale, form, layout and design of the dwelling is acceptable;**
3. **The impact on the amenity of adjoining occupiers and future occupiers of the development;**
4. **The impact of the proposal on the surrounding landscape;**
5. **The impact of the proposal on parking and highway matters;**
6. **Other material planning considerations.**

9.3 All considerations apply to both planning applications unless the details specifically relate to application (A) for the 2-bedroom unit or application (B) for the 3-bedroom unit.

1. Whether the proposal complies with policies for replacement dwellings in the Green Belt

9.4 As advised within section 2 (Background), the starting point is the 2006 (S6/2006/1596/FP) planning application, however for reference, details of the 2005 application (S6/2005/0202/FP) will also be addressed. The 2005 application, permitted a dwelling that consisted of the main two storey element with a footprint of approximately 22 metres x 10.5 metres and height of 6.7 metres and western wing of 11.5 metres x 5.7 metres with height of 5 metres.

9.5 The application in 2006 was broadly of the same footprint and height, the difference between the two applications was principally the insertion of two dormer windows to each of the front and rear elevations. The site plan also showed an eastern wing and car port although these were not shown on the elevations.

9.6 Since this approval, the developer has commenced building works. There have been some modifications including altering the original finish of the dwelling from brickwork to render, enlargement of the north portico, windows on the northern elevation, fenestration and detailing changes to the rear (south) portico, addition of the east wing and small enlargement to the west wing. The alteration to the north portico, addition of the east wing and small increase to the west wing are addressed within Green Belt considerations, the other alterations do not have impact in relation to Green Belt policy.

9.7 The applicant is of the understanding that the east wing and car port both have planning permission due to being included on the site plan of the S6/2006/1596/FP application. However, as advised earlier within paragraph 2.2, having secured legal advice, it is the conclusion that this would not be the case. These current proposals, however do not include a car port or other form of garaging.

9.8 It is also necessary to ensure that these proposals are assessed on their own merits. If both or either comply with Green Belt policy or if one or both are considered to be inappropriate development, but very special circumstances are advanced that outweigh the harm to the Green Belt and all other considerations are acceptable, then planning permission should be granted.

Portico and Windows (North Elevation)

9.9 The applicant advises that this has been amended having had regard to other lodges that serve 'manor' type houses. Such houses tend to have large portico's and equally the lodges have bold entrances. More emphasis has

thus been placed on the entrance portico. Furthermore, the design was amended as follows:

1. *“The entrance is widened so that the full height pilasters aren’t so close together and there is a better relationship between their size and the weight of the pediment above*
2. *The pediment now relates in size to the other pediments, and improves its hierarchical relationship with the flanking dormers*
3. *The recessive bays and windows flanking the portico are subsumed by the widening of the entrance, which serves to simplify the composition*
4. *The large semi-circular window is reduced to three smaller windows, the centre window still retaining the arched motif. There is a better balance in the ratio of opening sizes that conveys an elegance that is associated with Georgian buildings*
5. *The heads of the windows on the façade are dropped below the stringcourse and in line with the head of the entrance door. This has returned hierarchy to the front door where before it was overpowered by the windows*
6. *Structurally, masonry piers now extend up and provide strength the full height façade, unrestrained as it is with the double volume hall behind*
7. *Either side of the north portico, the proportion of the dormers is ameliorated to a more vertical and elegant proportion. This pattern is adopted on the south as well.”*

9.10 The north portico as proposed, is slightly more bulky than previously approved. The depth remains the same at 1 metre, but the width of the projection has increased from approximately 5 metres to 7.6 metres, i.e. an increase in footprint of approximately 2.6m². The resulting height of the gable has also increased from approximately 5.6 metres to 6.2 metres. Comparing the two schemes on plan, the resulting visual bulk that the alterations to the portico have, is off-set by the reduction in the number of windows to this elevation, which gives it a less cluttered appearance and thus reduces the visual impact of the two main elements either side of the portico.

9.11 The windows to the dormers have also been amended so that they would now be taller but slimmer. This alteration would result in the dormer windows being proportionally more balanced with the windows at ground and first floor level (although no first floor is proposed with application (A)) and are considered would not have impact on the purposes of including land within the Green Belt.

9.12 Overall, it is therefore considered that this alteration to the front (north) elevation has limited impact on the Green Belt and is therefore considered acceptable.

East Wing

9.13 With regards to the East Wing (and car port), the applicant understands that this has received planning permission under the 2006 approval, this has

previously been addressed, section 2. The case advanced by the applicant must therefore be taken in the context that of this understanding:

“We believe the current proposal brings the scheme many benefits thus:

- 1. The massing of the kitchen wing represents a significant volume decrease over Approval S6/2006/1596/FP*
- 2. The fact that the utility functions have moved into the house on the north elevation, allows the kitchen to make use of light from, and view to, the south. This makes a better space and experience for the occupier, which impacts positively on sustainability*
- 3. Compositionally, the kitchen porch now matches the porch in front of Bedroom 2, which serves to frame the central volume in a balanced and symmetrical fashion”*

9.14 It is not considered relevant to discuss these issues due to this part of the development not having previously been granted planning permission. However, designing a building to benefit from solar gain is a consideration towards sustainability. The first assessment to make is whether the provision of the East Wing amounts to a sufficient amount of development that results in the dwelling being materially larger than the dwelling it replaces and thus represents inappropriate development. The footprint of the extension would be approximately 42m². The Inspector's decision paragraph 11 states “[T]he development proposed is, by reason of its size, inappropriate.” A copy of the Inspector's decision has been included as Appendix 1. This proposal is larger than that previously approved due to the addition of the East Wing and therefore very special circumstances must, once again, be advanced.

9.15 Within the appeal decision, paragraph 12, the Inspector states:

“I consider the current scheme far more appropriate to its situation than the scheme most recently approved by the Council reflecting, as it does, the character of the country house with which it would be closely associated. That also appears to be the view of a significant number of people who live locally. I also note that the scheme of works proposed would include measures to prevent flooding of the highway in the vicinity of the appeal site. Taken together, these considerations, in my opinion, outweigh the harm that would be caused by the development and amount to the very special circumstances needed for the appeal to succeed.”

9.16 The building that has been part built on site does not have the benefit of planning permission having not been built in accordance with either of the two earlier approved planning permissions. Although the works have been undertaken to minimise and, it is understood, to prevent flooding of the adjoining highway, this is still a material planning considerations and one which should be given weight due to the Inspector's earlier consideration.

9.17 There has also been support of this application, five letters for application (A) and six for (B), compared to the earlier petition which included 37 signatures. Members will be able to make a judgement on the level of weight of an individually written letter compared to a petition. However, it should be noted that it is more usual to receive an objection to a proposal rather than support.

- 9.18 The design of the building with this proposal is of a high standard, as it was at appeal and with the last application. Furthermore, it can also be seen on site that the developer is building with high quality materials and with good workmanship and therefore the 'design ethos' is being carried forwards to the building works, which can often be where developments are let down. In this regard, consideration again needs to be given to the decision by the Inspector.
- 9.19 The additional built form (of the East Wing) does have impact on the Green Belt. However, it provides a form of symmetry to the building which is generally a characteristic of Georgian style buildings. The design of this element is simple and less intrusive than the west wing due to limited fenestration and the difference in roof form.
- 9.20 The small increase to the west wing is approximately 1 metre deeper than previously approved. Overall, this increases the footprint of the west wing by approximately 5.5m². Each of the three elements (north portico, east and west wings) add additional volume and should not be encouraged by the Local Planning Authority or taken as a precedent by other developers. In this instance for the reasons previously given as very special circumstances for the east wing, the limited impact that the north portico and west wing have, on balance, it is considered that the design, flood management and local support can provide the very special circumstances to allow this development.
- 9.21 With regards to application (B) and the provision of first floor accommodation, the plans show that this would provide for the addition of one extra bedroom. The remaining space would provide for a dressing room, his/her bathrooms and store/study. It would however, be reasonable to consider the impact that the use of, for instance the dressing room and study would have if they also were to become bedrooms. It is not possible for the Local Planning Authority to reasonably include, and be able to enforce, a condition to prevent the conversion of these rooms to bedrooms.
- 9.22 This would result in the potential of a five bedroom dwelling on the site. This would have impact upon the intensity of use of the site through the potential of an increase in the number of people occupying the dwelling and number of vehicles that might result. According to parking standards 3-bedroom dwellinghouses require 2.25 spaces and four plus bedrooms 3 spaces. In reality, as it is not possible to park .25 of a car, it would be more likely that 3 spaces would be provided. There would therefore be no difference in this regard.
- 9.23 Internally, there would be little difference on the Green Belt and its openness. Externally, the rear garden may have more use, but again this is considered to not be so significant that refusal of planning application (B) would be warranted. For these reasons the use of the first floor for application (B) is not considered to harm the Green Belt.
- 9.24 As with the appeal decision, it is suggested to remove householder permitted development rights for Classes A, B, C, D, E, F and G of Part 1 and Class A of Part 2. Since the appeal decision, Members will be aware that permitted development rights for householders has been amended and it is therefore suggested that Class G is removed (relating to chimneys, flue or soil and vent pipes) to ensure that the design of any alterations in this regard can be carefully considered by the Local Planning Authority.

2. Whether the scale, form, layout and design of the dwelling is acceptable

- 9.25 The design of the scheme has been considered previously by the Inspector (S6/2005/0202/FP), also by Members (S6/2006/1596/FP) as well as within the discussion under Green Belt. It is therefore considered that the proposal, in principle, accords with national, regional and local plan policy.
- 9.26 However, there are a few other minor alterations with the proposal that have not been considered. These are the alterations to the southern (rear) portico and alteration of brick finish to render.

South Portico

- 9.27 The alterations to the southern portico relate to the design treatment. The height and width of this element would remain the same as that previously approved. The applicant advises that these alterations have taken place due to having misgivings for the following reasons:

- “1. The large, upper window had become a stretched, modern shape that doesn't have the elegance and simplicity of the proposed semi-circular window*
- 2. The dichotomies of scale between the door and the tall windows within the pilasters has been addressed in the proposed manner of the north portico such that the heads now match that of the door*
- 3. The overly vertical emphasis is mitigated by developing the cill to the semi-circular window into a stringcourse. This horizontal line is then reinforced in the cills of the two new recessed niches.*
- 4. The door with its architrave and keystone was too elaborate for the garden elevation and is omitted in the current proposal.”*

The rendered finish

- 1. The change to render meant a loss of articulation and texture that was inherent in facing brick work and brick arches. By way of the recessed niches and the stringcourse, bands of shadow will be apparent and help to articulate the portico.*

The result of the above adjustment is, to our way of thinking, successful in achieving a more austere and elegant composition, where the human scale is still legible from the size of the openings, yet the articulation is strong enough to resonate with the main house.”

- 9.28 The alterations to the southern portico do result in the proportions being more balanced with the rest of the dwelling and providing a less grand entrance, that would normally be expected for a rear garden. The design remains of a high quality and thus complies with development plan policies and aims.
- 9.29 Application (B) also includes the provision of a Juliet style window to the central first floor portico door. This would not provide access externally, and

subject to being finished in suitable materials is considered respects and relates to the design of the dwelling.

- 9.30 The render has a high quality finish. The render finish relates to Northaw House, which is also white rendered, and is therefore 'read' in conjunction with this building. The render, together with the totality of the design of the building, including materials complies with policy D2 which requires buildings to either maintain the character of the area or enhance it. In this instance, it is considered that the building enhances the character of the area.
- 9.31 The scale, form, layout and design are therefore acceptable and in accordance with local, regional and national policies.

3. The impact on the amenity of adjoining occupiers and future occupiers of the development

- 9.32 This has been considered with the previous proposals. The only alteration with these schemes is the inclusion of the east wing. This is located to the elevation furthest from the highway and therefore would not impact on existing residents. Members will, however, be aware that resolution to grant permission for Northaw House was recently given. This resolution included alterations to the existing Oak Cottage and a new 'conservatory' style dwelling within the walled garden.
- 9.33 Both of these dwellings would be located over 50 metres away and there would therefore be no impact.

4. The impact of the proposal on the surrounding landscape

- 9.34 Landscaping section have reviewed the proposals to establish if the alterations to the previously approved permission would have impact on existing landscape, which includes a Tree Preservation Order (TPO 353) (Oak and Horse Chestnut). These trees are located to the western elevation and would therefore not be impacted upon by the proposed alterations.
- 9.35 It is suggested that a condition for landscaping is included to enable the Local Planning Authority to have control over both hard and soft landscaping for this site, as well as ongoing protection for existing trees within the site until the development is completed.

5. The impact of the proposal on parking and highway matters

- 9.36 Highway matters has been addressed with previous applications.
- 9.37 Application (A) Parking for a 2-bedroom dwelling in this location (zone 4) would require the provision of 1.5 spaces. There would be sufficient space within the curtilage to the front of the dwelling to enable parking for this number of vehicles.
- 9.38 For application (B), 2.25 spaces are required. Again it is considered that there would be sufficient space and therefore the proposal complies with local plan policy M14.
- 9.39 It is however considered relevant to include a condition for layout of parking and retention of this parking.

5. Other material planning considerations

- 9.40 The applicant has submitted information regarding the contribution of the development towards sustainability. The information includes details such as minimising water consumption, recycling, passive solar gain, using timber from sustainable managed sources etc. It is therefore recommended that a condition is attached for details of how water consumption is going to be minimised. The proposal therefore complies with the aims of sustainable development and policies SS1 of the East of England Plan 2008 and SD1 of the Welwyn Hatfield District Plan 2005.

10 Conclusion

- 10.1 The proposal does not comply with local plan policy (RA4) or Planning Policy Guidance Note 2: Green Belts for replacement dwellings. However, very special circumstances were advanced with planning application S6/2005/0202/FP which was dealt with at appeal against non-determination. The Inspector allowed the appeal, considering that very special circumstances had been advanced, flooding, design and local support, that outweighed the harm to the Green Belt. It is considered that these circumstances are still applicable with this application and therefore the harm is outweighed. The design of the scheme and impact on the surrounding area is of a high quality and positive respectively

11 Recommendation

- 11.1 **(A)** It is recommended that planning permission **S6/2009/00218/FP** is recommended for approval subject to the following conditions:
1. C.2.1 – 3 Year Time Limit
 2. C.13.10 – In accordance with plans
(PA1/001 & PA1/002 & PA1/003 & PA1/004 & PA1/005 & PA1/006 & PA1/007 received and date stamped 30 January 2009)
 3. C.4.1 – Scheme of Landscaping to be Submitted and Agreed
(a, b, c, e, g, h)
 4. C.4.2 - Implementation of Landscaping
 5. C.4.5 – Retention and Protection of Trees and Shrubs for the Duration of Development
 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, B, C, D, E, F, G and H of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 shall take place, unless permission is granted on an application made to the Local Planning Authority.
 7. REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 2: Green Belts.

8. C.8.12 – No Occupation Until Spaces Laid Out
9. Details of any external lighting proposed to be erected within the site at any time during the lifetime of the building shall be submitted to the Local Planning Authority for prior consideration; thereafter any scheme approved by the Local Planning Authority in writing shall be carried out, completed and retained thereafter only in accordance with the approved details.

REASON: In the interests of the amenity of the area in accordance with Planning Policy Guidance Note 2: Green Belts and policy D2 of the Welwyn Hatfield District Plan 2005.

10. Details of the proposed measures to minimised water consumption through means such as the use of water efficient fixtures and fittings, reed bed systems, ponds, rainwater storage and recovery and grey water re-use shall be submitted to the Local Planning Authority for prior consideration; thereafter any scheme approved by the Local Planning Authority in writing shall be carried out, completed and retained thereafter only in accordance with the approved details.

REASON: In the interests of the amenity of the area in accordance with policy SD1 of the Welwyn Hatfield District Plan 2005 and policy SS1 of the East of England Plan 2008.

Summary of reasons for grant of permission

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPG2, PPS3 and PPG13, East of England Plan 2008 policies SS1, T14, ENV2 and ENV7 and development plan policies SD1, GBSP1, R3, R17, M14, D1, D2, D8, RA4 and RA10 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

- 11.2 **(B)** It is recommended that planning permission **S6/2009/00222/FP** is recommended for approval subject to the following conditions:

1.C.2.1 – 3 Year Time Limit

2.C.13.10 – In accordance with plans (PA2/001 & PA2/002 & PA2/003 & PA2/004 & PA2/005 & PA2/006 & PA2/007 & PA2/008 received and date stamped 30 January 2009)

3.C.4.1 – Scheme of Landscaping to be Submitted and Agreed (a, b, c, e, g, h)

4.C.4.2 - Implementation of Landscaping

5.C.4.5 – Retention and Protection of Trees and Shrubs for the Duration of Development

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, B, C, D, E, F, G and H of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2

shall take place, unless permission is granted on an application made to the Local Planning Authority.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 2: Green Belts.

7.C.8.12 – No Occupation Until Spaces Laid Out

8.Details of any external lighting proposed to be erected within the site at any time during the lifetime of the building shall be submitted to the Local Planning Authority for prior consideration; thereafter any scheme approved by the Local Planning Authority in writing shall be carried out, completed and retained thereafter only in accordance with the approved details.

REASON: In the interests of the amenity of the area in accordance with Planning Policy Guidance Note 2: Green Belts and policy D2 of the Welwyn Hatfield District Plan 2005.

9.Details of the proposed measures to minimised water consumption through means such as the use of water efficient fixtures and fittings, reed bed systems, ponds, rainwater storage and recovery and grey water re-use shall be submitted to the Local Planning Authority for prior consideration; thereafter any scheme approved by the Local Planning Authority in writing shall be carried out, completed and retained thereafter only in accordance with the approved details.

REASON: In the interests of the amenity of the area in accordance with policy SD1 of the Welwyn Hatfield District Plan 2005 and policy SS1 of the East of England Plan 2008.

Summary of reasons for grant of permission

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPG2, PPS3 and PPG13, East of England Plan 2008 policies SS1, T14, ENV2 and ENV7 and development plan policies SD1, GBSP1, R3, R17, M14, D1, D2, D8, RA4 and RA10 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

Chris Conway, Director (Strategy and Development) (LH)

Date (01 March 2009)

Background papers to be listed (if applicable)

S6/2005/0202/FP

Appeal decision APP/C1950/A/05/1183420

S6/2006/1596/FP

Appendix 1



Appeal Decision

Site visit made on 3 October 2005

by Philip Wilson DipArch DipTP RIBA MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
409 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date 17 OCT 2005

Appeal Ref: APP/C1950/A/05/1183420

West Lodge, Coopers Lane, Potters Bar, Hertfordshire EN6

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr J O'Brien against Welwyn Hatfield District Council.
- The application Ref: S6/2005/202/FP, is dated 14 February 2005.
- The development proposed is the erection of a replacement detached dwellinghouse.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

1. It is agreed that a site plan, ground floor plan and elevations of the proposed dwelling - included in a Design Statement submitted with the application - illustrate the development for which planning permission is sought. It is also agreed that drawings L2802 *Topographical Survey* and 15838/001 *Proposed Surface Water Drainage Outlet* form part of the planning application. A further two drawings, submitted with the appeal documents, locate the site in relation to Cooper's Lane and the surrounding area.
2. The appeal site is within the Green Belt. It contains trees protected by a Tree Preservation Order. The planning history of the site includes a permission granted in 1973 for a detached dwelling to replace a former lodge building in roughly the same location as the dwelling now proposed. The Council accepts that this permission (Ref: E6/3821-73) remains extant as works in connection with the development commenced before the expiry date of the permission. A further planning permission was granted in October 2000 for a replacement lodge building (Ref: S6/1999/1099/FP) and, more recently, planning permission was granted for a dwelling of similar floorspace but different design (Ref: S6/2004/113/FP).

Planning Policy

3. The development plan for the area includes the Welwyn Hatfield District Plan 2005 (LP). LP policy RA1 describes circumstances in which planning permission may be granted for development in the Green Belt. The policy reflects Government guidance set out in Planning Policy Guidance note 2 *Green Belts* (PPG2); but it also includes references to local plan policies that allow for limited development in specified circumstances.
4. LP policy RA4 provides for replacement dwellings in the Green Belt where certain criteria can be met. These include a requirement that a replacement dwelling should not materially exceed the size of the original dwelling and that it should have no greater visual impact on the character, appearance and pattern of development in the surrounding countryside. The

policy also requires the dwelling to be designed to reflect the character and distinctiveness of its rural setting.

Main Issue

5. The principle of a replacement dwelling has been established by past permissions but the Council takes the view that the lodge building now proposed would have an unacceptable and detrimental impact on the openness of the Green Belt because its size and floorspace. These, in the Council's view, would exceed those of the original dwelling and previously approved replacements for it.
6. Residential development is not a category of development identified by LP policy RA4 as appropriate in the Green Belt; but the policy provides for a replacement dwelling that would not materially exceed the size of the original dwelling. In that respect, the policy is consistent with PPG2 guidance. PPG2 also provides for a replacement dwelling, if it is not materially larger than the dwelling it replaces. I therefore consider the main issue in this case to be whether the size of the dwelling proposed would significantly exceed that of the dwelling it is intended to replace, causing it to be inappropriate development in the Green Belt; and, if so, whether harm by reason of inappropriateness and any other harm is clearly outweighed by considerations amounting to very special circumstances.

Reasons

7. The only information available on the size of the original lodge building, as it may have existed in 1948, appears to be based on an early Ordnance Survey plan in the Council's possession. This indicates a lodge building at the western entrance to the grounds of Northaw House having a maximum floor area of 110 square metres. The floorspace of development permitted in 1973 and thereafter is quoted as being 160 or 165 square metres. The Council's floorspace figure of 220 square metres for the appeal proposal is not in dispute but the Appellant argues that the visual impact of the lodge building now proposed would be less than the dwelling for which planning permission has been granted most recently. It is also suggested that the original lodge building might have had accommodation on two floors, although there is no clear evidence to support this.
8. The Appellant argues that the dwelling proposed would meet the minimum domestic needs of his family in a way that would not be unduly intrusive. A comparison of floor areas, between past and current schemes, brings the appeal proposal into conflict with both national and local Green Belt policies. However, in judging the materiality of the extent to which the size of the proposed dwelling might be considered excessive, consideration may, in my opinion, properly be given to the three-dimensional form of the development proposed and the extent to which it would either satisfy or conflict with the purposes of including land within the Green Belt. These are set out at paragraph 1.5 of PPG2.
9. In making my assessment, I appreciate that the appeal proposal gives rise to subjective considerations, relating to matters of perception, on which views may well differ. Drawing mainly upon the evidence of my site inspection, I conclude that the dwelling now proposed, although larger than the dwelling for which planning permission has been granted, would conflict to only a minor extent with the size criterion of local plan policy RA4. With regard to built form, I am inclined to the view that the dwelling proposed would, by reason of its composition and appearance, have significantly less impact on its surroundings and on the

openness of the Green Belt than the development for which planning permissions have previously been granted.

10. Having regard to the five purposes of including land within the Green Belt, and given the scale of the development proposed, I find no obvious conflict with the aim of checking the unrestricted sprawl of development, or with the desirability of preventing neighbouring towns from merging into one another. Nor do I find conflict with the need to preserve the setting and special character of historic towns or with the urban regeneration objectives. In term of safeguarding the countryside from encroachment, the effect of the development proposed would, in quantifiable terms, be greater than the original dwelling or any approved replacement for it. This requires very special circumstances to be shown if planning permission is to be granted.
11. Paragraphs 3.1 and 3.2 of PPG2 set out the basis for judging whether very special circumstances may be said to exist in a particular case. The development proposed is, by reason of its size, inappropriate. However, the Council's decisions on previous applications are important material considerations from which the Appellant is able to draw support. Against that background, and given the form of the development, objections in principle and on the grounds of size are, in my view, more than offset by the architectural treatment of the development proposed.
12. I consider the current scheme far more appropriate to its situation than the scheme most recently approved by the Council reflecting, as it does, the character of the country house with which it would be closely associated. That also appears to be the view of a significant number of people who live locally. I also note that the scheme of works proposed would include measures to prevent flooding of the highway in the vicinity of the appeal site. Taken together, these considerations, in my opinion, outweigh the harm that would be caused by the development and amount to the very special circumstances needed for the appeal to succeed.

Conditions

13. The Council has indicated conditions it would wish to see imposed in the event of the appeal being allowed. Many of these concern measures to safeguard existing trees, which all parties appear to agree are an important feature of the appeal site. As owner of the site and promoter of the current scheme of development, the Appellant will be sensitive to the policy constraints that apply to development in the Green Belt and the limited scope for adding to what would, in my judgement, be a complete and wholly viable family dwelling. Accordingly, I consider that withdrawal of permitted development rights, as requested by the Council, but omitting Class H of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995, is essential in this case. Other conditions requested by the Council are a response to the sensitivity of the appeal site to development and its rural location. I note the Appellant's agreement to all the conditions proposed.

Conclusions

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

15. I allow the appeal, and grant planning permission for the erection of a replacement detached dwellinghouse at West Lodge, Coopers Lane, Potters Bar, Hertfordshire in accordance with the terms of the application, Ref: S6/2005/202/FP, dated 14 February 2005, and the plans submitted therewith, subject to the conditions set out in the attached Schedule.



INSPECTOR

SCHEDULE OF PLANNING CONDITIONS – LPA Ref: S6/2005/202/FP

1. The development to which this permission relates shall be begun within a period of 5 years from the date of this decision.
2. The development shall only be undertaken in accordance with a landscaping scheme which shall have been submitted to and approved in writing by the local planning authority before the development commences. The scheme shall show (i) existing trees to be retained or removed (ii) new planting proposed, with details of the species, size and method of planting, and (iii) details of measures to be taken to protect both new and existing landscaping during and after completion of the development. The scheme shall be implemented and completed in all respects by not later than the planting season following first occupation of the development; any tree or plant which within a period of 5 years from completion of the development dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
3. Prior to the commencement of the development hereby permitted, full details of protective tree fencing or other suitable barrier shall be submitted to and approved in writing by the local planning authority. The fencing so approved shall be erected around the outer limits of the crown spread of all trees on site shown to be retained on the approved plan before any works are commenced. This fencing shall be inspected by a representative of the local planning authority and retained thereafter, in the position erected, until the whole of the development is completed. During this period, no material shall be stored, fires lit or service trenches dug within these enclosed areas except with the written approval of the local planning authority.
4. No tree shall be felled, lopped, topped, damaged or otherwise destroyed without the prior written consent of the local planning authority. Any that are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation.
5. Before any construction works commence on site, full details or samples of the materials to be used in the external construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority; thereafter the development shall be carried out and completed only in accordance with the approved details.
6. Both existing and proposed ground levels shall be shown on detailed plans and sections, which shall include finished floor levels. The plans shall be submitted to and approved by the local

planning authority in writing prior to the commencement of the development, which shall thereafter be carried out and completed only in accordance with the approved plans.

7. Prior to the commencement of work on any part of the development hereby approved, the setting out and finished floor level of the replacement dwelling shall be inspected and approved by the local planning authority in writing and the scheme shall thereafter be carried out and completed in accordance with these details.
8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking, re-enacting or modifying that Order), no development falling within Classes A, B, C, D, E, F and G of Part 1 and Class A of Part 2 of Schedule 2 to that Order shall take place without the prior written permission of the local planning authority.
9. Details of the boundary treatment of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Once approved, the boundary treatment shall be implemented and retained thereafter in the form executed.
10. Prior to the commencement of the development hereby permitted, details of the car parking area shall be submitted to and approved in writing by the local planning authority; the scheme shall thereafter be carried out, completed and retained in accordance with the approved details prior to the first occupation of the dwelling.
11. Details of any external lighting proposed to be erected within the site at any time during the lifetime of the building shall be submitted to the local planning authority for prior consideration; thereafter any scheme approved by the local planning authority in writing shall be carried out, completed and retained thereafter only in accordance with the approved details.

WELL ROAD

COOPERS LANE

Title:

Scale: N.T.S