

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2013/916/FP
APPLICATION Site:	Oshwal Centre, Coppers Lane Road

NOTATION:

The site is located within the Green Belt and Landscape Region and Character Area as designated by the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The Oshwal Centre is a community and religious centre used by the Jain Community. The application site is situated on an extensive irregular shaped plot on the northern side of Coopers Lane Road in Northaw, which is entirely situated within the Metropolitan Green Belt.

The site consists of Hook House (also identified as Oshwal House) which is a Grade II Listed Building, which dates from the c.1839 and is an Asymmetrical Tuscan-style villa, a community hall (which is the subject of this application), associated car parking, and other various outbuildings including a Buddhist temple, which is situated on the southern section of the site.

DESCRIPTION OF PROPOSAL:

The application relates to an existing community hall which was built following planning permission granted by application S6/1986/234. This is a two storey building which is located towards the northern boundary of the application site on sloping ground so that the rear of the building has a two storey appearance, whilst the front of the building appears as only single storey.

The building is finished in facing brick under a slate roof tile with wooden/aluminum window frames.

The application seeks full planning permission for a two storey side extension which in-fills an existing recessed section on the east wall. At the lower ground level this will provide an extension to the lower hall and provide an improved access to an existing external patio area. At the upper level the new floorspace will provide storage space which will serve the main hall area.

The fenestration at the upper floor level will change as three windows will replace the existing four windows. The proposed materials for the walls and roof are to match the existing and the windows are to be double glazed to improve the thermal and sound attenuation performance.

At ground floor level the existing double doors are to be replaced by a total of four double doors to provide better access to the patio for all users.

The new roof will be raised at the eaves levels by approximately 1.6m to provide sufficient headroom.

PLANNING HISTORY:

S6/1979/689 – Change of use from residential to spiritual, cultural and leisure activities of a religious body – granted.

S6/1980/46 – Extension and conversion of outbuildings to community buildings – granted.

S6/1980/126 – New temple – granted.

S6/1984/352 – Single storey extensions and alterations- granted.

S6/1984/353 – Demolition of first floor extension, erection of single-storey extension and alterations – granted.

S6/1985/398 – Site for new temple (revised siting to previous scheme) – granted.

S6/1986/234 – Demolition of existing outbuildings and replacement with new community building in association with use of Hook House – granted.

S6/1988/861/FP - Erection of temple –granted 22 November 1988

S6/1989/534 – Revised internal road and car park surfacing, new paved surface adjacent to Oshwal House and additional landscaping – granted.

S6/1990/629 – Erection of canopy – granted.

S6/1992/681 – Erection of temple (application made under Section 73 of the 1990 Town and Country Planning Act) – granted.

S6/1994/751/FP - Erection of ornamental temple (2.1m high) and paved garden in grounds - granted 12 December 1994

S6/1995/226 – Erection of temple (renewal of consent S6/1992/0681) – granted.

S6/1995/227 – Erection of non-illuminated sign – granted.

S6/1996/0503/FP - Extension to Assembly Hall to provide toilets at first floor and foyer to ground floor – granted 2 August 1996

S6/1996/388 – Erection of ornamental temple (2.1m high) and paved garden in grounds – granted.

S6/1997/985 – Erection of scale model of temple (in position approved under S6/1996/0388) – granted.

S6/1998/662 – Erection of temple (revision to planning permission S6/1995/0226) to incorporate 11.5m² of additional floor area and revised elevations – granted.

S6/2001/1202/FP - Erection of extension to assembly hall to provide toilets at first floor and foyer to ground floor. (renewal of planning consent S6/0503/96) – granted 18/01/2002

S6/2003/1587/FP - Erection of temple (revision to previous planning permission S6/1998/662/FP) together with ancillary building and new car parking – granted 9 February 2004

S6/2005/201 – Stone garden features around the temple – granted.

S6/2006/0003/LB - Blocking up of existing internal doorway and formation of new door opening. - granted

S6/2006/1254/LB - Single storey rear extension and associated internal alterations – refused 05/12/2006

S6/2007/1950/LU - Certificate of lawfulness for proposed resurfacing and reconfiguration of existing car parking layout and landscaping (existing car spaces 235, proposed car spaces 235) Granted 18/02/2008.

S6/2012/2549/FP - Erection of a single storey rear extension following demolition of existing ground floor extension and enlarged terrace area
Granted 05/02/2013

SUMMARY OF POLICIES:

National Planning Policy Framework

Circular 03/09: Costs Awards in Appeals and Other Planning Proceedings

SD1: Sustainable Development

GBSP1: Definition of Green Belt

D1: Quality of Design

D2: Character and Context

D9: Access and Design for People with Disabilities

R3: Energy Efficiency

M14: Parking Standards for New Developments

RA10: Landscape Regions and Character Areas

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

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

CONSULTATIONS:

Hertfordshire Biological Records Centre – advise ‘there are no known ecological constraints regarding the proposed development. Therefore, the application can be determined accordingly’.

Hertfordshire Constabulary – advice they have no concerns.

Highway Authority – no comments received (due by 10/06/12)

TOWN/PARISH COUNCIL COMMENTS:

Norhaw and Cuffley Parish Council advice: ‘The PC have no objection’

REPRESENTATIONS:

None, period expired 12/06/13

DISCUSSION:

The main issues are:

- 1. Green Belt Policy**
- 2. Quality of design and the impact on the character of the surrounding area.**
- 3. Other Material Planning Considerations**

1. Green Belt Policy.

- i) Whether the development proposed would be inappropriate development in the Green Belt.

Protecting Green Belts is a core planning principle of current national policy in the National Planning Policy Framework. National Policy confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 89 of the in the National Planning Policy Framework (NPPF) states that amongst over things, an extension or alteration to a building in the Green Belt that would constitute a disproportionate additions over and above the size of the original building would be inappropriate development. As Local Plan Policy RA1 is not saved, the can be no conflict with the local development plan in this regard.

Guidance is provided in the NPPF over the definition of 'original building' as 'a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.'

With respect to this application, the proposed extension is to the Community Centre Hall which was built following planning permission granted by application S6/1986/234. Since this building has been constructed there appears to have been no extensions or alterations.

If the proposal is considered in isolation of the other developments which have taken place on this site, then the proposed extension through a simple visual analysis would be of a size that would be modest compared to that of the 'original building'. This view is supported by a floorspace comparison where the increase in floor space at ground floor level would be approximately 99 sqm. The existing original ground floor area (footprint) of the building is approximately 1078 sqm. The total (gross) floor area proposed over the two levels would be approximately 201 sqm which would be an addition of 9.2%.

In the absence of specific national guidance on this provision in the NPPF to extend extensions to buildings in the Green Belt, (where formerly it was limited only to dwelling houses in PPG2), it may not be unreasonable for the decision maker to consider the relevance of other developments which have taken place on the application site since 1st July 1948 rather than just limit the comparison to one building which was built following planning permission after this date.

The applicant does not support this view in their supporting evidence where it is considered that the intention of the NPPF is to assess whether proposed extensions would be disproportionate to simply the building being extended when compared to its original size. The Council provided the applicant an opportunity to demonstrate this approach through previous appeal decisions which have been determined since the adoption of the NPPF. Two appeal decisions have been provided by the applicant in response to this request along with a cover letter dated the 26th June 2013 which gives an analysis of these appeals.

Each of these appeals will be considered in turn.

1. Appeal decision APP/K3605/A/12/2175724 (Bull Riding Farm) relates to the demolition and rebuilding of one of a group of building with a resultant increase in floorspace following reconstruction of 4%. This appeal is not considered to be a close comparison to that of the current proposal as it involved the demolition and replacement of a building in the Green Belt. Although the Inspector in this case discusses whether the increase would be disproportional, the approach in the NPPF is different for replacement buildings as not being materially larger. Either way, due to the differences in the type of development being proposed, no weight is given to this appeal decision in assisting how the NPPF may be interpreted differently from that considered by the Local Planning Authority above.

2. Appeal decision APP/P1805/A/12/2173341 (Avoncroft Arts Society) relates to the extension of a building which existed prior to 1 July 1948. This building is part of a group of small buildings and there is no analysis by the Inspector of whether any of the other buildings in this group are also pre-1948 or have been built at a later date. Paragraph 89 of the NPPF is referred to by the Inspector as being relevant and whether the proposed extensions for this particular building are disproportional additions over and above the size of the original building. Whilst in this case the Inspector concluded a 51% increase was disproportional and that the land was also not previously developed, the approach in this appeal is clear in how the Green Belt policy assessment was made and is similar to the circumstances for this application.

In regards to this new evidence submitted by the applicant for this proposal, it would be reasonable to accept that the approach by the above Planning Inspector in the second appeal above is a material planning consideration. Whilst this is only one Planning Inspectors interpretation of this part of the NPPF the Local Planning Authority currently have no other appeal decisions which can contend this view.

On this basis and for the purposes of determining this application the Local Planning Authority accept this approach advanced by the applicant in how this proposal should be assessed in Green Belt Policy terms. The proposed extension is not considered to be disproportionate when compared to the size of the original building when first built following planning permission. The proposal would not therefore be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework. As such it is not necessary to consider the effect on the character or openness of the Green Belt or for the applicant to demonstrate very special circumstances.

2. Quality of design and the impact on the character of the surrounding area.

Local Plan Policy D1, D2 and RA10 are relevant along with the Supplementary Design Guidance.

The design of the new extension will infill an existing recessed section of the east wall and will be in keeping with the wider character of the original building.

The use of matching materials would be the most appropriate approach in this development as indicated by the application drawings.

Overall the design is considered to be of a high quality which will respect the existing character of the area and its wider context and so will comply with local plan policy D1 and D2 along with the Supplementary Design Guidance. Furthermore, taking into account the location and size of the proposed rear extension and that it is in a recessed part of the building, the impact on the surrounding landscape would not be significant and so the proposal complies with local plan policy RA10.

3. Other Material Planning Considerations

Parking: The proposed extension is not considered to generate any material increase in the number of vehicles visiting the site. In addition there also is a large parking area on the site which is likely to meet the requirements of visitors to the site which will use the enlarged dining area. As such the proposal is considered to comply with local plan policy M14.

Energy Efficiency: Local Plan Policy R3 is relevant. The Sustainability Checklist advises that suitable energy saving measures will be incorporated and so complies with Local Plan Policy R3.

Disabled Access: Local Plan Policy D9 is relevant. The proposed development will improve access on the ground floor by creating new double doors. As such the proposal is considered to comply with Local Plan Policy D9.

Protected Species The presence of protected species is a material consideration, in accordance with the National Planning Policy, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981).

Hertfordshire Biological Records Centre advises that there are no known ecological constraints regarding the proposed development. The existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 and amended 2012 Regulations further.

CONCLUSION:

In respect to Green Belt Policy the proposed extensions are considered to accord with the requirements of the NPPF for exceptions to new buildings in the Green Belt and so by definition the proposed is not inappropriate development.

In addition, no harm to the visual amenity of the surrounding countryside and landscape character would result and so the proposal complies with Local Plan Policy RA10.

With regard to design, it is considered that the proposed development would be of a good quality which would meet the design requirements of Local Plan D1 and D2 and the accompanying Supplementary Design standards subject to a planning condition requiring the use of matching materials.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1 Time limit for commencement of development
2. C.13.1 Approved drawings: 6842/02/P0 & 6842/03/P0 & 6842/04/P0 received and dated 3 May 2013

Post Development

3. C5.2 Matching materials

REASONS FOR APPROVAL

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 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 inspected at these offices).

INFORMATIVES: None

Signature

Date.....