

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

**DELEGATED APPLICATION**

**Application No:** 6/2017/2523/HOUSE  
**Location:** East Lodge Judge's Hill Northaw Potters Bar EN6 4NL  
**Proposal:** Erection of open sided carport replacing existing structure  
**Officer:** Mr Raphael Adenegan

**Recommendation:** Refused

6/2017/2523/HOUSE

<b>Context</b>	
<b>Site and Application description</b>	<p>East Lodge was formerly part of the grounds of Northaw House. Northaw House is a Grade II Listed Building set within its own grounds and located on the southern side of Judges Hill. The principal property, which was built in 1698, is accessed via a private drive and was formerly a house and hospital (although since the 1970's it has been occupied as office space).</p> <p>Within the grounds of the house there were two gate lodges adjacent to the east and west entrances. The West Lodge was demolished in the 1970's to accommodate access and visibility splay requirements in relation the use of Northaw House as offices as part of planning permission, whilst the East Lodge had previously comprised a dilapidated red brick gatehouse and had been unused for a number of years. Planning permission was given under S6/1999/1099/FP for among other things, the erection of replacement East and West Lodges. A subsequent separate permission was given under S6/2002/0477/FP for East Lodge only and the replacement dwelling has now been constructed. It comprises a modern flat roofed, single storey, white rendered property, with a central pyramid roofed area comprising slates, and is located on the southern side of Judges Hill. A rear conservatory has since been added to the replacement house.</p> <p>The property is located in the Northaw Conservation Area and within the Metropolitan Green Belt and adjoins a Landscape Character Area.</p> <p>Planning permission is sought for the erection of an oak framed carport replacing an existing carport structure. The proposed timber structure would measure approximately 6m wide by 6.14m long. It would have a pyramid roof with a ridge height of approximately 5m and eaves level set at 2.2m; it will be set approximately 500mm from the east flank and 1m forward the main front wall.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>CA - Conservation Area: NORT; - Distance: 0            GB - Greenbelt - Distance: 0            LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0            PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0            Wards - Northaw &amp; Cuffley - Distance: 0</p>

<b>Relevant planning history</b>	<p>Application Number: S6/2002/0477/FP      Decision: Granted      Decision Date: 08 May 2002          Proposal: Replacement gate lodge (revision to S6/1999/1099/FP)</p> <p>Application Number: S6/2004/0701/FP      Decision: Refused      Decision Date: 05 July 2004          Proposal: Erection of rear side conservatory</p> <p>Application Number: S6/2005/0251/FP      Decision: Refused      Decision Date: 28 April 2005          Proposal: Proposed rear conservatory and front porch</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	<p>Site Notice Display Date: 21 November 2017          Site Notice Expiry Date: 12 December 2017          Press Advert Display Date: 29 November 2017          Press Advert Expiry Date: 13 December 2017</p> <p>11 neighbouring occupiers and business were consulted. No response has been received.</p>		
<b>Summary of neighbour responses</b>	None		
<b>Consultees and responses</b>	<p>Northaw &amp; Cuffley Parish Council - No objection          Conservation Officer - Overall, it is considered that the proposed works would result in a minimal change which would not cause harm to the character and appearance of the conservation area. I therefore have no objection to this scheme.</p>		
<b>Relevant Policies</b>			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" type="checkbox"/> GBSP1 <input type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes Others			
<b>Main Issues</b>			
<b>Design (form, size, scale, siting) and Character (appearance within the streetscene)</b>	<p>It should be noted that the 2002 permission for a replacement dwelling removed permitted development rights for Classes A to E. There is no record that the existing carport has the benefit of planning permission, and as such is deemed unlawful for the consideration of this application. Whilst the supporting statement refers to the proposal as a replacement building, the consideration of this application is on the basis of an extension to the original building as to do otherwise is to legitimise the breach of planning control.</p> <p><u>Impact on Green Belt</u>          The National Planning Policy Framework (NPPF) advises at paragraph 79 that the essential characteristics of Green Belts are their openness and their permanence. The NPPF states that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.' At paragraph 89 of the NPPF, it goes on to state that 'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt' apart from a list of exceptions. The relevant exceptions for development allowed in the Green Belt, in this case, are as follows:</p>		

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and;
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Policy RA3 of the Welwyn Hatfield District Plan 2005 advises that extensions to dwellings located within the Green Belt will only be considered a 'appropriate' development when they do not individually or when considered with existing or approved extensions to the original dwelling have an adverse and disproportionate impact in terms of prominence, size, bulk and design on the character, appearance, pattern of development and visual amenity of the surrounding countryside. Para 89 bullet point 3 of NPPF emphasises that it is the original building which is important in assessing whether any proposal is disproportionate.

The Council's Strategic Green belt Review indicates that this site falls within a parcel of land which contributes significantly to the purpose of safeguarding the countryside from encroachment. Emerging Local Plan Policy SADM 34 'Development in the Green Belt' should also be considered.

Records show that the floorspace of the original building of approximately 60sq.m has increased by 143% to 146sq.m. The proposed carport although detached, is considered a domestic adjunct and as such an extension to the building. The proposed development would have a floor area of approximately 37sq.m. This would take the cumulative increase on the original dwelling on the site to 122.71sq.m, a percentage increase of 204.5%. Whilst the last extension to the building was allowed on appeal, the proposed structure would be sited at least 1m forward the main building line and within 500mm at its closest point to the boundary along the main road. Its height is double that of the existing unauthorised carport and substantially increase the overall width of the original building resulting in a dwelling disproportionately larger in relation to the size and the bulk of the original dwelling. Combined with the existing extensions to main (Lodge) house it is considered that the proposal would result in disproportionate additions to the original property, contrary to Green Belt policy. Such a significant increase in the size and bulk of the dwelling would have impact unacceptably on the openness of the Green Belt in this location being contrary Policies GBSP1 and RA3 of the Welwyn Hatfield District Plan 2005 and the Green Belt policy of the NPPF.

Impact on the openness of the Green Belt and the purposes of the Green Belt

The property is set within a relatively open, semi-rural location within the Green Belt. The scale of the proposed development is considered excessive, particularly in light of the extension which have already been added to the original dwelling and which would further increase the built form within the Green Belt. In addition, the existing detached outbuilding in the rear garden, again with no record of planning permission, would result in sprawling built form spread across the plot, when viewed from the front and from the rear of the property. It is therefore considered that the proposals would have a detrimental impact on the openness of the Green Belt, contrary to the NPPF. This is notwithstanding the existing vegetation along the eastern boundary.

Heritage Assets

With regard to the impact on the Conservation Area, this part of the

	conservation area is characterised by its rural location and the loose knit sporadic nature of residential and other built development, including agricultural development. It is considered that the proposed design and materiality of the carport would be in keeping with the character and appearance of the conservation area. The carport would be set back from the road and largely screened from view by the existing boundary fence and hedgerow along Judge's Hill. Although the proposals would result in a slight increase in height in comparison to the existing carport, which would likely result in the roof of the carport being visible above the boundary, it is considered that views of the proposed carport from the public realm would be very limited. Overall, it is considered that the proposed works would result in a minimal change which would not cause harm to the character and appearance of the conservation area would preserve that character and appearance.
<b>Impact on neighbours</b>	No significant impact.
<b>Access, car parking and highway considerations</b>	No significant impact.
<b>Landscaping Issues</b>	No significant impact.
<b>Conclusion</b>	
The proposal would result in a disproportionate increase in volume and footprint to the original building. It is not considered that a robust argument has been made that there are specific 'very special circumstances' in terms of needs that justify the loss of or harm to Green Belt in this instance. The principle of the additional residential floorspace as proposed on this Green Belt site cannot therefore be supported, as it is contrary to local and national policy. Accordingly, the application is therefore recommended for refusal.	

**Reasons for Refusal:**

1. The site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The proposed extension, taken cumulatively with previous extensions, would represent a disproportionate increase in the size of the original building and is therefore inappropriate development within the Green Belt. In addition, the scale and spread of development would harm the openness of the Green Belt. The Local Planning Authority do not consider that very special circumstances exist which outweigh the harm caused by reason of inappropriateness or impact on openness. The proposal is therefore contrary to the National Planning Policy Framework and Policies GBSP1 and RA3 of the Welwyn Hatfield District Plan, 2005.

**REFUSED DRAWING NUMBERS**

2.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
35954-1		Proposed Elevations and Floor Plans	1 November 2017
35954 BP		Block Plan	1 November 2017
35954 LP		Location Plan	1 November 2017
35954 EX		Existing Elevations and Floor Plan	8 November 2017

## 1. POSITIVE AND PROACTIVE STATEMENT

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 viewed on the Council's website or inspected at these offices).

### **Informatives:**

1. It has not been possible to find any record of planning permission for the existing carport and detached outbuilding in the rear garden. As permitted development rights for such structures within the application site has been removed, it is considered that the buildings have been constructed in breach of planning control. As such, the Council's Planning Enforcement Team has been informed about the breach.

### **Determined By:**

Mr Mark Peacock  
3 January 2018