

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

DELEGATED APPLICATION

Application No: 6/2018/3005/HOUSE
Location: East Lodge Judges Hill Northaw Potters Bar EN6 4NL
Proposal: Erection of an oak framed open sided carport replacing existing structure
Officer: Ms Lucy Hale

Recommendation: Refused

6/2018/3005/HOUSE

Context	
Site and Application description	<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 application dwelling is located on the south side of Judges Hill and comprises a modern flat roofed, single storey, white rendered dwelling with a central pyramid roofed area comprising slates. The application dwelling is located in the Northaw Conservation Area and within the Metropolitan Green Belt and adjoins a Landscape Character Area.</p> <p>The application seeks planning permission 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, set approximately 500mm from the east flank and 1m forward the main front wall.</p> <p>It should be noted that the proposed development remains the same as the proposal under application reference 6/2017/2523/HOUSE which was refused. However, the application follows a Certificate of lawfulness that was granted under reference 6/2018/2504/LAWE confirming the retention of the carport in excessive of 4 years and expedient from enforcement action.</p>
Constraints (as defined within WHDP 2005)	<p>CA - Conservation Area: Northaw GB - Greenbelt LCA - Landscape Character Area (Northaw Common Parkland) PAR - PARISH (NORTHAW AND CUFFLEY) Wards - Northaw & Cuffley</p>
Relevant planning history	<p>Application Number: 6/2018/2504/LAWE Decision: Granted Decision Date: 13 November 2018 Proposal: Certificate of lawfulness for existing carport</p> <p>Application Number: 6/2017/2523/HOUSE Decision: Refused Decision Date: 03 January 2018 Proposal: Erection of open sided carport replacing existing structure</p>

	<p>Application Number: S6/2005/0251/FP Decision: Refused Decision Date: 28 April 2005 Proposal: Proposed rear conservatory and front porch</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: S6/2002/0477/FP Decision: Granted Decision Date: 08 May 2002 Proposal: Replacement gate lodge (revision to S6/1999/1099/FP)</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 11 December 2018 Site Notice Expiry Date: 4 January 2019 Press Advert Display Date: 12 December 2018 Press Advert Expiry Date: 28 December 2018		
Summary of neighbour responses	None		
Consultees and responses	Northaw & Cuffley Parish Council - No objection Place Services, Essex County Council - No objection Hertfordshire Transport Programmes & Strategy - No objection		
Relevant Policies			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes Others: RA3 <u>Draft Local Plan Proposed Submission August 2016</u> SP3 Settlement Strategy and Green Belt Boundaries SP9 Place Making and High Quality Design SADM11 Amenity and Layout SADM12 Parking, Servicing and Refuse SP25 Rural Development SADM34 Development within the Green Belt			
Main Issues			
Principle of the development within the Green Belt	The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.		

Appropriateness

The National Policy Framework (NPPF) sets out the national planning policy approach to development in the Green Belt. 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”. Paragraph 145 states that ‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt’, apart from a number of exceptions including among others:

c) 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;

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

This application seeks permission for an identical proposal to the previously refused application 6/2017/2523/HOUSE. The courts have held that a domestic outbuilding can be regarded as part of the dwelling and the refused application was assessed as an extension. In this case, given the proximity of the outbuilding to the dwelling and its use, it is considered a domestic adjunct to, and so part of, the house even though it is detached. As a consequence, it should be treated as an extension and its cumulative impact is to be considered.

Whilst the current proposal is identical to application 6/2017/2523/HOUSE, the intervening grant of certificate of lawfulness is a material consideration. The certificate confirms that the existing outbuilding is lawful and has been present on the site in excess of 4 years.

Firstly, exception (c) set out in paragraph 145 of the NPPF allows for 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. The NPPF defines the “original building” as a building as it existed in July 1948 or, if constructed after that date, as it was originally built. Neither the NPPF nor the Local Plan provide any detailed guidance on how to determine whether an extension is disproportionate. This is, therefore, ultimately a matter for the decision maker and demands that each proposal is considered in relation to the size and character of the original building. The proposed increase in volume, footprint and floor area are commonly used indicators, however, as well as mathematical calculations, the visual impact of the extension also has to be considered.

The existing building although detached, is considered a domestic adjunct and as such an extension to the building. It has therefore been included as an existing extension to the dwelling for the purposes of the figures for calculating the increase in the size of the dwelling from its original form. The floorspace of the original building is approximately 60sqm and has increased to 171sqm which is an increase of 185% above the original dwelling.

The proposed building would replace the existing within a similar footprint and given its proximity and use, is considered as an extension to the dwelling. The proposed building would have a floorspace of approximately 37sqm. This would take the cumulative increase on the original dwelling on the site to 122.71sqm, a percentage increase of 204.5%. Whilst it is noted that the

proposed building would have an increase of floorspace of 12sqm above that existing on the site, the NPPF does not limit the concept of proportionality to size alone and an overall assessment of proportionality includes a qualitative judgement. A numerical assessment is not always the most accurate assessment, particularly in this instance as the development would be largely contained within a similar footprint, with an increase of 12sqm. In each case, it is necessary to make a judgement as to whether the enlargement of a building would be disproportionate in qualitative terms.

Whilst the building would be single storey, the highest point of the resultant building would be approximately 5m. In addition, the roof design would represent a pitched roof in which its volume would measure approximately 34.4m³. In comparison to the existing dwelling which hosts flat roof extensions which step down in height to the location of the proposed building, a pitched roof design of 5m would be substantial in bulk and mass and would extend the built form across the site by 6m in length, a projection of 1m forward of the front elevation. The proposed development is considered to appear to compete with the central roof of the main dwelling and is not considered to appear subordinate in scale. In addition, given its location close to the boundary of the site along Judges Hill, the building would be highly visible.

The proposed building, by virtue of its width and height would add substantial bulk and mass which would, taken together with the existing extensions to the dwelling, result in disproportionate addition to the original dwelling contrary to paragraph 145 of the NPPF. The NPPF confirms that inappropriate development is by definition harmful to the Green Belt and this is afforded substantial weight.

The proposed development is not considered to benefit from the exception of point (c) of paragraph 145 of the NPPF.

The Design and Access Statement which accompanied this application makes reference to exception (d) which applies to *“the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”*.

For the reasons explained above, the Council consider that the proposal should be assessed as an extension. Notwithstanding this, given that a certificate of lawfulness confirmed the existing carport is lawful, its replacement could be considered appropriate development, provided that the new building was in the same use and not materially larger than the existing.

In consideration of exception (d), the proposed building seeks to replace a building of similar use to include a sheltered car parking area and a storage facility for garden equipment. However, the second test of this point is whether the building is materially larger than the one it replaces is relevant.

As outlined above, the footprint of the building would increase by approximately 12sqm. Whilst the building would remain single storey, the ridge height would increase. The highest point of the resultant building would be approximately 5m. The height of the existing carport is approximately 2.4m. Therefore, the proposed height of the building would be double the height of the existing and would alter from a flat roof design to a pyramid design with an approximate volume increase in roof space of 34.4m³. Furthermore, in respect of the design of the existing carport this is a lightweight timber structure with open sides and respects the form of the existing dwelling by virtue of its height

	<p>and roof design and is sympathetic to the character of existing dwelling and surrounding countryside. The proposed building seeks to erect a more permanent structure in regard to appearance with oak framing and cladding and brick walls to one side of the building to comprise the storage area.</p> <p>It is considered that the proposed building would be materially larger than the one it proposes to replace and therefore would represent inappropriate development in the Green Belt, contrary to paragraph 145 of the NPPF. The NPPF confirms that inappropriate development is by definition harmful to the Green Belt and this is afforded substantial weight.</p> <p><u>Openness</u></p> <p>The NPPF confirms that inappropriate development is by definition harmful to the Green Belt. The essential characteristics of Green Belts are their openness and their permanence. Whilst there is a visual element to loss of openness in the sense that a loss of openness is perceived by the human eye, openness is essentially an absence of built development in the Green Belt and that is one of the essential characteristics which national policy seeks to protect. It seeks to keep land free from built development and the curtilages of dwellings have a role to play in keeping land open.</p> <p>The property is set within a relatively open, semi-rural location within the Green Belt and is within a prominent location. The bulk and volume of the proposed development is considered excessive, particularly in light of the extensions which have already been added to the original dwelling and which would further increase the built form within the Green Belt. Whilst it is noted that the proposed building would replace an existing building, as identified above, it is considered that the replacement would be materially larger both in footprint, height and permanence. The proposal would sprawl the built form across the plot at an increased height to that existing. Notwithstanding the vegetation along the boundary, the proposed orientation and siting of the building along with its increase in height, the side and rear elevations of the building would be highly visible from the streetscene of Judges Hill. It is considered that such an increase in bulk and volume would result in harm and a loss to the openness of this part of the Green Belt, contrary to the NPPF.</p>
Conservation Area	<p>The application site is located within the Northaw Conservation Area. The previous application did not raise a concern to the proposal. It was considered that the design and materiality of the building would not appear incongruous and would not cause significant harm within the Conservation Area.</p>
Impact on neighbours	<p>No objections have been received from neighbouring occupiers.</p> <p>By virtue of the siting of the dwelling and nature of the development, it is not considered that there would be any significant impact on the living conditions of the neighbouring occupiers as a result.</p>
Access, car parking and highway considerations	<p>No objections raised to on-site car parking provision and the development is not considered to result in a material detrimental impact to highway capacity or safety.</p>
Any other considerations	<p>Paragraph 143 of the NPPF outlines that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144</p>

	<p>outlines that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations’.</p> <p>The substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances. Consequently, there are not the very special circumstances necessary to justify inappropriate development in Green Belt. Therefore, the development would not accord with Section 13 of the NPPF.</p>
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Conclusion

The proposal represents an inappropriate form of development within the Green Belt. Furthermore, as a result of increased height, bulk and massing, the proposed development would result in a loss of openness and visual permeability of the Green Belt. Very special circumstances do not exist. Accordingly, the proposal is contrary to Policies GBSP1 and RA3 of the adopted Welwyn Hatfield District Plan 2005; Policies SP3, SP25 and SADM34 of the Emerging Local Plan 2016; and the National Planning Policy Framework 2018.

Reasons for Refusal:

1. The proposal represents an inappropriate form of development within the Green Belt. Furthermore, as a result of increased height, bulk and massing, the proposed development would result in a loss of openness and visual permeability of the Green Belt. Very special circumstances do not exist. Accordingly, the proposal is contrary to Policies GBSP1 and RA3 of the adopted Welwyn Hatfield District Plan 2005; Policies SP3, SP25 and SADM34 of the Emerging Local Plan 2016; and the National Planning Policy Framework 2018.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
35954-1		Proposed Elevations	23 November 2018
35954 EX		Existing Elevations	23 November 2018
35954 BP		Block Plan	23 November 2018
35954 LP		Location Plan	23 November 2018

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 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).

Determined By:

Mr Mark Peacock
18 January 2019