

Part I

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Executive Member: Councillor S. Boulton  
Welwyn West

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 27 FEBRUARY 2020  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2019/2902/HOUSE

2A WHITEHILL AYOT ST PETER WELWYN AL6 9AF

ERECTION OF SINGLE STOREY FRONT EXTENSION

APPLICANT: Mr S Ronay

**1 Site Description**

- 1.1 The application site is an irregular shaped plot of land with a narrow access drive leading from Whitehill between number 2 and number 4 Whitehill. The site has a building that was originally an outbuilding that has been converted to a residential dwelling.
- 1.2 The east rear boundaries of the application site are formed by tall metal wire fencing, separating the application site from the former Frythe site, which is currently under construction for new dwellings. The narrow section of the application site towards the front, providing the access from Whitehill, is largely lined by tall, mature trees which continue along the rear of No. 2A, which along with a low post-and-rail timber fence provides the boundary between the application site and No.4. There is a timber shed along the narrow entrance drive, before entering the more open part of the site. In the far eastern corner of the site the converted outbuilding, now used as a dwelling, is located.
- 1.3 The north, south and west of the site is of an open, rural character and is located within an area which features a number of dispersed dwellings, some of which have been converted from former agricultural buildings and stable buildings. The site is characterised by its rural Green Belt setting.

**2 The Proposal**

- 2.1 The application seeks planning permission for a single storey front extension to the dwelling. It would measure approximately 7.4m in depth, 12m in width and 2.3m in height (to eaves level) with an approximate footprint of 100 sqm. The roof would be flat where it connects with the main dwelling, rising to a pitch that would match the height of the main house. Materials would match the main dwelling.

### **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because it has been called-in by Councillor Thusu and the recommendation is to refuse planning permission.

### **4 Relevant Planning History**

- 4.1 Application Number: N6/2014/2154/FP Decision: Granted Decision Date: 17 February 2015  
Proposal: Change of use and conversion of existing outbuilding to a residential two bedroom dwelling with car parking
- 4.2 Application Number: 6/2016/2436/VAR Removal of condition 5 (Permitted Development Rights) on planning permission N6/2014/2154/FP. Allowed on appeal -allowing the dwelling its residential permitted development rights and means of enclosure permitted development rights. This permission was implemented.
- 4.3 Application Number: 6/2018/2627/LAWP Decision: Granted  
Decision Date: 6 December 2019  
Proposal: Certificate of lawfulness for the erection of 2x single storey side extensions and 1 x single storey rear extension. Not implemented
- 4.4 Application Number: 6/2018/1689/HOUSE Decision: Granted  
Decision Date: 6 September 2019  
Proposal: Single storey flat roof garage

### **5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)
- 5.4 Supplementary Design Guidance 2005 (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

### **6 Site Designation**

- 6.1 The site is situated within an Area of Archaeological Significance, The Ayot St Peter Wooded Upland Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005 and also within the Green Belt.

### **7 Representations Received**

- 7.1 The application was advertised by means of neighbour notification letters. No representations have been received in response to this.

## **8 Consultations Received**

- 8.1 Hertfordshire County Council Historic Environment Advisor have responded advising that they have no objections to the proposal in principal.
- 8.2 No response was received from the Joint Committee of the National Amenity Societies.

## **9 Town/Parish Council Representations**

- 9.1 Welwyn Parish Council Objected. The objection is summarised as follows:  
*“Over development and inappropriate in the Green Belt”.*

## **10 Analysis**

- 10.1 The main planning issues to be considered in the determination of this application are:

- 1. Principle of development- Impact on the Green Belt**
- 2. Quality of design and impact on the character of the area**
- 3. Residential amenity**
- 4. Highways and parking considerations**

### **1. Principle of the development**

#### *Green Belt*

- 10.2 The site is located within the Metropolitan Green Belt as defined by District Plan Policy GBSP1. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Policy RA3 states that permissions for extensions to existing dwellings within the Green Belt will be allowed only where all the following criteria are met:
- i) The proposal would not individually or when considered with existing or approved extensions to the original dwelling, result in a disproportionate increase in the size of the dwelling; and
  - ii) It would not have an adverse visual impact on the character, appearance and pattern of development of the surrounding countryside.
- 10.3 Within that context the main issues to consider in terms of Green Belt policy are:
- the appropriateness of the development in Green Belt;
  - the effect on the openness and purposes of the Green Belt; and
  - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## *Appropriateness*

- 10.4 The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 145. In this case the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building should not be classed as inappropriate development.
- 10.5 Planning permission reference N6/2014/2154/FP, for the conversion of the outbuilding to a dwelling was granted permission because the re-use of the existing outbuilding was considered to be appropriate development within the Green Belt when considering paragraph 90 of the NPPF 2012.
- 10.6 The 2014 planning permission originally had a condition to restrict permitted developments rights at the property (condition 5). A variation of condition application in respect of condition 5 (ref: 6/2016/2436/VAR) was assessed and refused planning permission. With the reason for refusal being: *The removal of condition 5 as proposed would allow for the construction of extensions, other free standing buildings, the storage of caravans/mobile homes, boats, motor vehicles or other chattels to be stationed/stored on any part of the site. This could result in inappropriate development within the Green Belt, adversely impacting upon the openness of the Green Belt and could conflict with the purposes of including land in the Green Belt. Therefore the condition (number 5) is justified in order to allow the Local Planning Authority to assess possible future development through the submission of a planning application for its Green Belt and other impacts. The removal of condition 5 from planning permission N6/2014/2154/FP is considered contrary to Local Plan saved Local Plan policies GPSP1, D1, D2, RA10 and contrary to the aims of NPPF paragraphs 79-90.*
- 10.7 This decision was appealed and subsequently the appeal was allowed for the conversion of the outbuilding to a dwelling. This dwelling retains its permitted development rights.
- 10.8 The Inspector who considered permitted development rights at the site considered in paragraphs 10 and 11 of his decision that there was limited scope for large extensions at the site. Knowing that only very limited extensions would be allowed under permitted development, the Inspector went on to find the appeal proposal acceptable allowing a dwelling to be constructed without a restriction on permitted development rights.
- 10.9 Any extensions that could be constructed under permitted development are very limited in terms of their height, size. In addition, given the location of the existing dwelling in the eastern corner of the site any extensions permissible under permitted development rights would have a very restricted location in the corner of the site and only to the side and rear of the dwelling.
- 10.10 Given that the extension is proposed to be at the front of the dwelling, it needs planning permission, as this type of extension cannot be constructed under permitted development in this case.
- 10.11 This application seeks planning permission for a single storey extension that would significantly increase the size and footprint of the dwelling. The extension would be approximately 100sqm in footprint. When compared to the main

dwelling it would represent an approximately 100% increase in floorspace (whereby the existing dwelling is approximately 100sqm in footprint).

- 10.12 This taken as a quantitative measure would represent a structure that would be unacceptably greater in size and bulk when compared to the existing small scale of the existing dwelling. This dwelling was only permitted because the re-use of the existing outbuilding was considered to be appropriate development within the Green Belt. Any additions that require planning permission now also need consideration in terms of their qualitative impact. In this case, the significant increase in floorspace would be excessive when considering the existing modest dwelling and its visual impact would be inappropriate, with the structure being located more centrally within the site resulting in a bulky and dominating addition.
- 10.13 It is acknowledged that any extensions that could be constructed under permitted development could have a similar footprint to the size of the current proposal. However, such a large extension to the front of the site as proposed, would be significantly more harmful to the Green Belt than anything that could be built under permitted development given the excessive size and the location of the front extension.
- 10.14 Policy SADM 34 of the emerging Local Plan requires a consideration of whether the proposal would preserve the openness of the Green Belt. Given the harmful impact of the proposed extension, the proposal also fails to comply with SADM 34.
- 10.15 Given its significant size when compared to the modest size of the dwelling as granted planning permission and its location within the site, the proposal is inappropriate development in the Green Belt and contrary to the NPPF and Policy RA3 (i), and emerging policy SADM34.

#### *Openness*

- 10.16 In terms of openness, paragraph 133 of NPPF states that the essential characteristics of Green Belts are their openness and their permanence. There is no definition of openness in NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. Whilst the physical presence of any above ground development would, to some extent, diminish the openness of the Green Belt regardless of whether or not it can be seen, openness also goes beyond physical presence and has a visual aspect. In the visual sense, openness is a qualitative judgement.
- 10.17 By virtue of the physical presence of additional built form within the open setting of this site, there would be harm to the openness of the Green Belt. The result would be a development that would reduce the openness of the site. The extension would result in an addition that would make the property more prominent and visually obtrusive within this setting. In addition to harming the openness of the Green Belt, the visual presence of the extension, by reason of its bulk and size in this location would have a harmful visual impact on the Green Belt compared to the existing circumstances and when compared to any extensions that are permissible under permitted development rights.
- 10.18 Accordingly, there is harm to the openness of the green Belt, in addition to the harm by reason of being inappropriate.

### *Purposes of including land in the Green Belt*

10.19 It is necessary to consider whether the proposal would conflict with any of the five purposes of including land in the Green Belt when compared to the existing development. Paragraph 134 of the NPPF states that the Green Belt serves five purposes:

- a) *to check the unrestricted sprawl of large built-up areas;*
- b) *to prevent neighbouring towns merging into one another;*
- c) *to assist in safeguarding the countryside from encroachment;*
- d) *to preserve the setting and special character of historic towns; and*
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

10.20 Due to its limitation as an extension of to an existing dwelling house on an existing plot, the proposal would not contribute towards neighbouring towns merging into one another or threaten the countryside from encroachment. It would not impact upon the preservation of the setting and special character of historic towns or assist in urban regeneration, due to its nature and rural setting which is not adjacent to a historic town. In this regard the proposal does not conflict with paragraph 134 of the NPPF.

### *Conclusion on the Green Belt*

10.21 Taking account of the above, the proposal would represent inappropriate development in the Green Belt resulting in harm to the Green Belt and harm to the openness of the Green Belt. The proposal is in conflict with Policies RA3 of the District Plan; Policy SADM34 of the Emerging Local Plan; and the NPPF.

### *Very Special Circumstances*

10.22 Paragraph 144 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

10.23 The applicant has put forward considerations which they consider as very special and outweigh the harm. These include:

1. The applicant (in consultation with various other immediate neighbours) has made the application as they would “prefer not to see the various extensions granted a Certificate of Lawfulness” be built. Instead the applicant considers that the front extension as proposed would be less visible and further away from the boundaries of his (and his neighbours) rear gardens.
2. An example of an extension granted planning permission in Ayot St Peter is also offered as an example of where a larger extension was proposed.

10.24 In response to these considerations it is relevant to set out the relevant history of the site. In December 2019, a Certificate of lawfulness was granted for the erection of two single storey side extensions and one single storey rear extension that would attach to the application property (ref: 6/2018/2627/LAWP). This is in contrast to what is proposed as part of this proposal which seeks planning

- permission for a front extension being located in a more prominent part of the site.
- 10.25 These extensions, as part of the certificate application (ref: 6/2018/2627/LAWP) have not been constructed. They are all single storey and have a combined footprint of approximately 100sqm. The footprint that could be constructed as part of the certificate application is similar to the size of the footprint proposed with this current application.
- 10.26 The applicant does not live or own the application property. The applicant lives to the east of the application site in a property in Butterwick Way. The applicant has submitted this application because he has expressed his concerns about the extensions that could be built under permitted development. In discussions with the owner of the application site, the applicant has made this application as he would rather see a front extension (as proposed) compared to the extensions that could be constructed under the certificate. He considers the impact on his and his immediate neighbours to be less visually harmful with an extension to the front.
- 10.27 Councillor Thusu, who has called in the application to Committee also suggests that: "the alternative plan at the back of the property would impact more residents than if it were at the front".
- 10.28 It is acknowledged that the extensions that could be constructed under permitted development would be of a similar footprint to that proposed. However their locations and design are not considered as harmful as this large extension proposed to the front of the site. The proposal is harmful to the Green Belt as described by Paragraph 143 of the NPPF which states that "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*".
- 10.29 The front extension as proposed, is considered to be significantly more harmful to the Green Belt than anything that could be built under permitted development given the excessive size and the location of the front extension.
- 10.30 In addition, the extensions proposed under the certificate are considered under separate legislation compared to those that are assessed under the Planning Act. This is therefore not a fall-back position that warrants very special circumstances.
- 10.31 There is no guarantee that if planning permission were to be granted for the front extension as proposed, that the owner of the land would not also build the extensions under the certificate as well. The applicant, within their supporting statement, gives a scenario whereby a legal agreement could be sought to prevent the owner of the land from building the extensions as proposed under the certificate, but no such agreement has been presented with the application, so this matter should be given very limited weight. If permission is granted for the proposed front extension, this does not remove the ability of the owner of the land to also build the extensions as proposed under the certificate. Conditions, however could be attached to any permission to restrict this from happening.
- 10.32 The proposed front extension would be constructed in materials that would match the existing dwelling, but this does not overcome the significant harm that the front extension would have in the Green Belt.

- 10.33 An example of an extension granted elsewhere within the Borough holds very little weight, because this application site is unique in its setting so other applications are not considered comparable in this case.
- 10.34 In the case of *Redhill Aerodrome Ltd v SSCLG* [2014] the judgment of the Court of Appeal held that the meaning of “any other harm” refers to any other harm whatsoever, and is not restricted to Green Belt harm. Therefore, the assessment of the Green Belt balance and conclusion will be performed at the end of this report, when all other material considerations have been assessed.

## **2. Quality of design and impact on the character of the area**

- 10.35 District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council’s Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with the Council’s Emerging Local Plan and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 10.36 The proposed location of the extension at the front of the property would be in contrast to the existing built form and would appear as an overly prominent addition within the site and area as a whole. It would result in the loss of space to the front of the site that contributes to the open and spacious character of this area.
- 10.37 The proposed development conflicts with policies D1 and D2 of the Welwyn Hatfield District Plan 2005, the Supplementary Design Guidance and the National Planning Policy Framework.

## **3. Residential amenity**

- 10.38 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.39 Policies D1 and R19 of the District Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.
- 10.40 Given the location of the proposed extension and its height, the living conditions of adjoining occupiers would be maintained. In this regard the proposal is in accordance with Policy D1 of the Welwyn District Plan 2005, the Council’s Supplementary Design Guidance 2005 and the NPPF.

## **4. Highways and parking considerations**

- 10.41 In terms of parking, paragraph 105 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of

high emission vehicles. Policy M14 of the District Plan 2005 and the Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case by case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings. Parking standards should only be imposed where there is clear and compelling justification that they are necessary for managing the local road network.

- 10.42 The site has ample provision for vehicular parking and therefore no objections are raised in regard to Policy M14 of the District Plan; the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; and the NPPF.

## **5. Other considerations**

### *Landscaping*

- 10.43 The site is within a Landscape Character Area (Ayot St Peter Wooded Upland) where Policy RA10 applies. Given the size and location, the proposal maintains the Landscape Character Area and does not conflict with Policy RA10

### *Archaeology*

- 10.44 District Plan Policy R29 states that the Council will require developers to undertake an archaeological assessment where the proposed development may affect remains of archaeological significance, or may be sited in an area of archaeological potential.
- 10.45 The Historic Environment Advisor has commented on this application and raises no objection. Given the size and location, the proposal does not conflict with Policy R29.

## **11 Conclusion**

- 11.1 The proposal would result in a disproportionate increase in the size of the original dwelling and is therefore inappropriate development within the Green Belt where additional harm is caused to the openness of the Green Belt.
- 11.2 The case put forward by the applicant does not represent Very Special Circumstances to outweigh this harm.
- 11.3 By way of the size and location of the front extension, the development would be harmful to the Green Belt and would fail to maintain and enhance the established character and context of the area. Therefore, the proposed development is contrary to policies D1, D2 and RA3 (i) of the District plan, the SDG and the NPPF.

## 12 **Recommendation**

12.1 It is recommended that planning permission is REFUSED for the following reason:

1. The proposed extension by reason of its positioning, size and bulk would be inappropriate in the Green Belt and, by definition, harmful to the Green Belt. It would also have an adverse impact on the openness of the Green Belt and the character and appearance of the area by the presence of an urbanising form of development in this open and undeveloped setting. The harm identified to the Green Belt is not outweighed by any very special circumstances and the proposal is, therefore, contrary to the National Planning Policy Framework and Policies D1, D2 and RA3 of the Welwyn Hatfield District Plan 2005 and Policy SADM34 of the Draft Local Plan Proposed Submission 2016 and the Supplementary Design Guidance.

### 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).

Refused Drawing Numbers:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
4128-P02-OS1		Existing Location Plan	15 November 2019
4396-SH-03	A	Proposed Elevations	11 February 2020
4396-OS2-SH		Proposed Block Plan	12 February 2020
4396-SH-01	A	Proposed Ground Floor Plan	11 February 2020
4396-SH-02		Proposed Roof Plan	15 November 2019
4396-E01		Existing Plans and Elevations	19 November 2019

Sarah Madyausiku (Development Management)  
Date: 4 February 2020



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: 2A Whitehill		Scale: DNS	
			Date: 2020	
	Project: Development Management Committee	Drawing Number: 6/2019/2902/HOUSE	Drawn: Emma Small	
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