

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 13 OCTOBER 2016  
REPORT OF THE EXECUTIVE DIRECTOR

6/2016/1118/FULL

THE SPINNEY, HIGH ROAD, ESSENDON, HATFIELD, AL9 6HT

ERECTION OF 2 DWELLINGHOUSES FOLLOWING DEMOLITION OF EXISTING BUILDINGS

APPLICANT: Lime Interiors

(Brookmans Park and Little Heath)

**1 Site Description**

- 1.1 The application site lies in the countryside approximately on the southern edge of the rural village of Essendon and approximately 4km east of Hatfield. The B158 (High Road) abuts the western site boundary, the grounds of the Essendon Golf Course abut the south-eastern site boundary and an area of mature woodland abuts the north-eastern site boundary.
- 1.2 The site is currently occupied by a single detached dwellinghouse and a garage and two outbuildings, which are set in grounds that include an extensive area of lawn, peripheral tree/shrub planting and a scattered array of trees. These trees define various grassy glades in the garden. Many existing trees on the site are the subject of a Tree Preservation Order.
- 1.3 The existing house is located in the northern part of the site and an access drive lies on the western side of the house. The western site boundary is defined by a timber fence and by peripheral tree/shrub planting. On the opposite side of High Road (to the west) is a historical dwelling known as North Lodge, whilst further south, are the Essendon Place to the south. The application property is the only one on east side of the road for some considerable distance.

**2 The Proposal**

- 2.1 This application seeks full planning permission for the demolition of the existing dwelling and outbuildings and the erection of two detached five bedroom dwellings.
- 2.2 It is proposed to divide the site to create two plots. Plot 1 is towards the northern corner of the site and would be accessed by the existing entrance from High Road. Plot 1 is the smaller of the two, about 0.19 hectares. Plot 2 is larger, measuring about 0.63 hectares and would be accessed by a new entrance from High Road towards the southern part of the site. Materials would comprise painted render at ground floor level with brick at first floor level. Roof tiles would be in natural slate. Windows would be aluminium framed and finished in a pale colour.

- 2.3 Each dwelling would benefit from a detached double garage to include separate cycle and refuse storage areas. It is also proposed to erect a brick garden wall along the boundary between the plots.

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

- 3.1 This application is presented to the Development Management Committee because Councillor John Dean has called it in for the following reason:

*“The site is an ideal location for one much needed house in this rural village, it has ample parking and good access to the highway, it is completely hidden from the road, it is situated in a completely sustainable position, for a council that is considering putting 5000 homes in the Green Belt it seems inconsistent not to grant permission for one in a position that can not even be seen.”*

### **4 Relevant Planning History**

- 4.1 Application Number: 6/2016/0394/FULL  
Decision: Withdrawn Decision Date: 06 June 2016  
Proposal: Erection of 2 dwellinghouses following demolition of existing buildings
- 4.2 Application Number: S6/2015/1203/HH  
Decision: Prior Approval Not Required Decision Date: 21 July 2015  
Proposal: Prior approval for the erection of single storey side extensions to either side following demolition of existing garage and two outbuildings
- 4.3 Application Number: S6/2015/0727/LUP  
Decision: Granted Decision Date: 02 June 2015  
Proposal: Certificate of lawfulness for a proposed single storey basement and the erection of two storey rear extension, a porch, alterations to windows and insertion of new windows, erection of single storey garage and single storey outbuilding
- 4.4 Application Number: S6/2015/0594/HH  
Decision: Refused Decision Date: 01 May 2015  
Proposal: Construction of single storey side extension on each side of dwelling following the demolition of existing garage and two outbuildings

### **5 Planning Policy**

- 5.1 National Planning Policy Framework
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Supplementary Design Guidance, February 2005
- 5.4 Supplementary Planning Guidance, Parking Standards, January 2004
- 5.5 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

## **6 Site Designation**

- 6.1 The site lies within Green Belt and West End - Brickendon Wooded Slopes Landscape Character Area and adjoins Essendon Conservation Area as designated in the Welwyn Hatfield District Plan 2005.

## **7 Representations Received**

- 7.1 The application was advertised by means of site and press notice and neighbour notification letters. Six representations have been received from the occupiers of three neighbouring properties: Essendon Manor, North Lodge and Bedwell End. Their comments support the proposal and may be summarised as:

- We feel that two new properties on this site will be beneficial to the area.
- The current dwelling on the site of The Spinney is aesthetically unpleasing. We cannot understand the true reason why the Council would prefer a Permitted Development Scheme in the circumstances.
- In our opinion the proposed development would enhance the village and housing stock further.
- The proposal is far superior to the alternative Permitted Development plan and our view is that it will provide two most desirable and beneficial residences in Essendon Village.
- The proposed dwellings are more in keeping with the area and suit the plot better than one house with the permitted development extensions.
- There is precedent immediately opposite, the floor area of the outbuildings of Essendon Place were reconfigured to build five dwellings and one new dwelling, at the adjoining Hatfield London Country Club, the demolition of two dwellings and barn (in separate locations) and erection of detached house and garage, in School Lane, the demolition of existing garages and erection of six three bedroom dwellings and nine garages.
- It is important for our village to attract families to maintain our community and two attractive medium sized properties in this location are more appropriate and relevant to the future of the village than one larger property.
- Originally Essendon comprised two manor houses and estate worker's cottages with very little in between. Although the two large manor houses Bedwell Park and Essendon Place have been redeveloped in recent years, we have a lack of medium size family homes with gardens.
- Originally the property was two semi detached cottages, Victoria Cottages I believe, so it would be restoring the number of properties on the site, albeit as detached properties and help sustain our village community providing medium sized family homes.

## **8 Consultations Received**

- 8.1 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** – No objection subjected to suggested conditions and informatives. Comments can be summarised as:

HCCTPS have previously commented on development proposals for this site, most recently 6/2016/0394/FULL (comments dated 19/04/16) and a review of the latest proposals in respect of site layout identify that the scheme is unchanged to that previously considered (drawing 1151-A-20 Rev B).

As part of this earlier application HCCTPS assessed the new access and the requirements for visibility. Vehicle speeds past the new access are derestricted however highway alignment provides less than the 215m necessary visibility splays. The developer has demonstrated to HCCTPS satisfaction that measured average speed is 36.2 mph and the 85<sup>th</sup> percentile speed is 41.4 mph. This is a reflection of the geometry of the road with number of bends and over grown hedges. HCCTPS in acceptance of assessed 85<sup>th</sup>ile speeds and safety audit (Feb 2016) has accepted that the provision of splays as shown on drawing ST16284-002 are acceptable (being 2.4m x 156 to the south and as directed by DMRB to the north).

Essendon village is currently served by one bus service number 341. One service in AM Peak and another service in PM Peak. In-between service is every two hours. Saturday service is every two hours and there is no service at all on Sundays. The site is not located in a sustainable location and the application site does not have access to a continuous foot path or cycleway. However, the existing use of the site is residential and the proposal to replace a single dwelling with two would not present the Highway Authority sufficient concern.

Each dwelling is to be provided with two car parking spaces. On-site parking is a matter for the Local Planning Authority however it is considered that there exists sufficient space for vehicles to manoeuvre within the site in order that they may exit in forward gear.

In conclusion, the proposed development is unlikely to have a material impact on the local and wider road network. The Highway Authority does not wish to restrict the grant of planning permission subject to a suggested condition requiring the proposed access and parking area to be laid out and surfaced prior to occupation.

- 8.2 **Welwyn Hatfield Borough Council Landscaping and Ecology Team** – No objection to the removal of the trees specified on plan 1511-A-22 B (Site Plan Proposed Showing Tree Analysis). No comment on the Tree Protection Plan or the proposed soft landscaping.

Suggested informative: The Spinney's trees are currently protected by TPO3. The trees are an important feature of the site both for current use and any future use and adding character and setting to the area. Any future applications to remove trees or undertake inappropriate tree work trees for issues such as honeydew, restriction of light, falling leaves and seeds etc will be refused.

- 8.3 **Hertfordshire Ecology** – This application is similar to the previously withdrawn application 6/2016/0394. Our comments on the ecological survey (dated March 2016) remain the same and are essentially repeated below. The difference is that the further bat survey as previously recommended has been undertaken and provided in support of this application, and we have commented on this accordingly:

- Following the negative results of the bat Inspection survey, the further presence / absence bat survey has been undertaken (Jones and Sons, May 2016) and submitted with this application. No evidence of bats using

the building was recorded and consequently it can reasonably be considered that a bat roost is not present.

- The potential for common dormice within the site to be negligible given the condition of the woodland and scrub and local knowledge of the rarity of the species within the county.
- The presence of great crested newts is negligible given the paucity of breeding ponds within the immediate area of the site and the nearest record around 3.3km away. Precautionary measures could be taken to ensure great crested newts were not harmed during any construction activities.

On this basis, the LPA has sufficient information to be able to determine the application in accordance with its Biodiversity Duty and European Protected Species planning responsibilities, having taken bats reasonably into account.

The veteran oak is to be retained and this is welcomed; it should not be removed or need to be as a result of the new development – I consider it to be by far the most significant ecological feature of the site.

The usual provisions for birds would apply as an informative, namely:

- No removal of vegetation within the bird breeding season (generally March – August inc.) unless it has been satisfactorily demonstrated that no nesting activity is taking place’.

No mention is made of the 8 fruit trees which are to be lost. This is a locally significant feature of the site in respect of orchard characteristics despite its relatively small size and small rootstocks. However, if or when approved, their loss should be compensated for – if not replaced within the site, in the form of a commuted sum (£300) to provide replacement of c10 fruit trees at a suitable location elsewhere. This sum could be made available to the LPA or Herts Orchard Initiative to be used accordingly locally.

**8.4 Welwyn Hatfield Borough Council’s Conservation Officer** – This is outside the conservation area but immediately adjoining. It is also within the general setting of listed buildings. The character of the conservation area and the setting of the listed buildings are dominated by well wooded frontages to properties which are well spaced and screened by trees, especially in late spring to early autumn.

The property itself is the only one on east side of the road for some considerable distance. The existing house is of no great merit and doesn’t in itself contribute to the setting of either the listed buildings or the conservation area, because it is also set back from a modest entrance and well screened.

My only concern is that plot 1 is set closer to the frontage and may have more impact. This could be alleviated by setting it back further. Retention of the existing trees is important. The designs of the two buildings are not inappropriate but it will be important to ensure they are of recessive materials e.g. dark coloured brick and tiles.

The site entrance is very important and should avoid the need to cut back the hedges and trees on the frontage. Also there should be a condition requiring

details of any gates. There is a propensity for overly grand entrance features here and this should be avoided. Simple wooden gates with wooden gate posts would be most acceptable and grand brick piers and “wrought Iron” gates should be avoided.

If the house on plot 1 could be moved back at least as far as the current house, the proposal would in principle not harm the setting of the conservation area or that of nearby listed buildings.

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

- 9.1 Essendon Parish Council: *“We see no reason to object to this proposal subject to bricks used being in keeping with local character.”*

## **10 Analysis**

- 10.1 The main planning issues to be considered are:

- 1. The principle of the development within the Green Belt (District Plan Policies GBSP1, GBSP2, the Framework (paragraphs 79-90))**
- 2. The quality of the design and the impact on the character and appearance of the area, including the adjacent Conservation Area and nearby listed buildings (D1, D2, D8, R17, RA10, SDG, The Framework)**
- 3. Impact on the amenity and living conditions of neighbours occupiers (D1, R19, SDG, the Framework)**
- 4. Highway safety and parking provision (M14, the Framework)**
- 5. Protected species (R11, the Framework)**
- 6. Principle of development with regards to sustainability (SD1, H1, H2, GBSP1, GBSP2, the Framework)**
- 7. Very special circumstances**
- 8. Other material considerations**

### **1. The principle of the development within the Green Belt**

- 10.2 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.
- 10.3 The main issues to consider in terms of Green Belt policy, therefore, are the appropriateness of the development; effect on the purpose of including land in the Green Belt; effect on the openness of the Green Belt and the impact on the visual amenity of the Green Belt; if it is inappropriate development are there any very special circumstances to justify its approval.

#### *Appropriateness*

The site lies within the Metropolitan Green Belt. The proposed development, as set out in the submitted application, comprises the redevelopment of a previously developed site in the Green Belt, on which the local Plan is silent. The policy test

for the proposal is paragraph 89 of the National Planning Policy Framework (the Framework). This states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, unless it falls within one of the exceptions set out. One exception (bullet point 6) states that previously developed land can be partially or completely redeveloped subject to development not having a greater impact in terms of the openness of the Green Belt and the purposes of including land within it than the existing use.

- 10.4 The Glossary to the Framework (Annex 2) defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. The definition excludes, amongst other things, land that is or has been occupied by agricultural buildings and land in “built-up” area such as private residential gardens, but not private residential gardens elsewhere.
- 10.5 The site is currently occupied by a single detached dwellinghouse and a garage and two outbuildings, which are set in grounds that include an extensive area of lawn, peripheral tree/shrub planting and a scattered array of trees.
- 10.6 The two outbuildings are of limited scale. One of the outbuildings is located to the south west of the dwelling and the other is located further away, towards the southern boundary of the application site. The majority of the existing built form is located towards the north of the application site, with the southern section consisting of grassy glades and trees. Notwithstanding this, it is considered that the proposed dwellings would be sited upon previously developed land for the purposes of the Framework.
- 10.7 In considering bullet point 6 of paragraph 89 of the Framework, the first test that needs to be met requires the redevelopment of a previously developed site to not have a greater impact on the openness of the green belt than the existing development. The second test is that the redevelopment of a previously developed site should not have a greater impact on the purpose of including land within the green belt than the existing development. The tests are considered below.

#### *Openness*

- 10.8 With regards to openness this is about the physical presence of built form at the application site as well as the visual sense of openness. There is no definition of openness in the Framework but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. Any above ground development would to some extent diminish the openness of the Green Belt regardless of whether or not it can be seen.
- 10.9 It is acknowledged that openness goes beyond a numerical calculation. Visual openness instead is a qualitative judgement pertaining to the whole, including disposition of buildings, building height, bulk, mass, roofscape, landscape and topography.
- 10.10 In this case the proposal would result in the introduction of an additional two storey dwelling to the site, with an associated double garage and a boundary wall. This, itself, would significantly increase the physical presence of built form at the site and would harm visual openness from certain vantage points along the access road.

10.11 Furthermore, the addition of a second dwelling extends built physical form further south to an area of the site which is currently soft landscaping and largely free from development. A second dwelling is also likely to result in an increase in external residential paraphernalia, such as ancillary domestic structures, patio areas, residential-style landscaping, play equipment, washing lines etc. All of the above, as well as additional vehicles parked at the site would have the potential to further urbanise the application site.

10.12 Overall, it is considered that the proposed development would result in a significant increase in built permanence at the site and would erode the visual sense of openness. This would result in harm to the openness of the Green Belt which would be greater than that of the existing development.

*Purposes of including land in the Green Belt*

10.13 It is necessary to consider whether the proposal would result in significant harm when compared to the existing development in terms of the five purposes of including land in the Green Belt. Paragraph 80 of the Framework states that the Green Belt serves five purposes:

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

10.14 The proposal would not result in the unrestricted sprawl of a large built up area, would not result in neighbouring towns merging and would not harm the setting and special character of historic towns.

The proposed development would, however, introduce a large amount of additional built form into what is at present relatively open garden. This spread of built form to the south of the existing building would further urbanise the site and result in the encroachment of residential development into the countryside. Developing previously open land, which would be the case here despite its position within a domestic curtilage, would not assist in safeguarding the countryside from encroachment. The development is contrary to bullet point 3 of paragraph 80 of the Framework.

10.15 Furthermore, to allow an additional dwelling would conflict with Policy GBSP2 of the Welwyn Hatfield District Plan of 2005, which seeks to concentrate development in two principal towns. As a result it would fail to promote the Green Belt purpose of assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. This is contrary to the final bullet point in paragraph 80.

10.16 Taking all of the above into account, the proposal would result in residential encroachment into the countryside and would fail to assist in urban regeneration by encouraging the recycling of derelict and other urban land. The proposal is, therefore, contrary to two of the purposes of including land with the Green Belt.

*Conclusion on Green Belt*



- 10.17 Although the proposal is considered to be located upon previously developed land, the development would result in greater harm to the openness of the Green Belt and the purposes of including land within it when compared to the existing development at the site. The proposal therefore fails the two pre-conditions within bullet point 6 of paragraph 89 of the Framework.
- 10.18 As with previous Green Belt policy inappropriate development is harmful to the Green Belt and paragraph 87 of the Framework states that it should not be approved except in very special circumstances.
- 10.19 However, given that recent Case Law (Redhill Aerodrome Ltd v Secretary of State for Communities and Local Government) has outlined that very special circumstances can outweigh Green Belt harm and 'any other harm', the assessment of very special circumstances will be performed at the end of this report, when all other material considerations have been assessed.

## **2. The quality of the design and the impact on the character and appearance of the area, including the adjacent Conservation Area and nearby listed buildings**

- 10.20 Local Plan Policies D1 (Quality of Design) and D2 (Character and Context) 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 buildings and surrounding area. In addition, Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.
- 10.21 There are no specific policies within the District Plan with regards to heritage assets. However, the specific historic environment policies within the Framework are contained within paragraphs 126-141. Great weight is placed upon the need to preserve and enhance heritage assets and the Framework dictates that, where there is identified harm, this harm must be weighed against the public benefits of the development and, depending on the degree of identified harm, other relevant criteria.
- 10.22 In terms of heritage assets, the application site is located immediately adjacent to the southern boundary of Essendon Conservation Area and is approximately 58m away from a listed building to the north and approximately 152m away from a listed building to the south west. The Council's Conservation Officer commented that the site is "within the general setting of listed buildings" and that the character of the adjacent Conservation Area and the setting of the listed buildings are dominated by well wooded frontages to properties which are well spaced and screened by trees.
- 10.23 The application property is the only one on east side of the road for some considerable distance. The existing house is of no great merit and does not in itself contribute to the setting of either the listed buildings or the conservation area, because it is also set back from a modest entrance and well screened.

- 10.24 The Conservation Officer expressed his concern that the proposed dwelling on plot 1 would be closer to the frontage and may have more impact. In this regard the existing dwelling is set back 20m from crossover with the highway and the proposed new dwelling on plot 1 would reduce this to 13m. More significantly, the footprint of the new dwelling would extend 15m further north so that it is directly in front of the access whilst also closing the gap which currently exists between the dwelling and the detached garage. Notwithstanding the above, outside of a Green Belt context, it is considered that the proposed dwellings would be of an appropriate scale for their respective plots and would not appear cramped, visually prominent or overdeveloped on the site. Additionally, the individual design of the proposed dwellings is of a high standard and, if minded to grant planning permission, the quality external materials used can be controlled by condition.
- 10.25 Given the distance to the historic core of Essendon and to surrounding listed buildings, and with regards to the nature and scale of the development, it is considered that the proposal would not harm the setting of individual heritage assets or the character of the adjacent Conservation Area. The proposal therefore complies with Section 12 of the Framework.
- 10.26 The Conservation Officer points out that the retention of the existing trees is important and that overly grand entrance features should be avoided. Also, that the design of the buildings is not inappropriate subject to the use of recessive materials e.g. dark coloured brick and tiles. It is considered that these details, whilst valid concerns, can be controlled by appropriately worded planning conditions.
- 10.27 In terms of landscaping, it is noted that with the exception of T9, a B category Beech tree, all of the A and B category trees would be retained and protected throughout the development. In mitigation for the removal of T9 it is proposed to plant a replacement Beech tree in a position where it can achieve full size. Furthermore, the submitted Arboricultural Impact Assessment concludes that adequate protection can be provided to ensure all retained trees are protected throughout development.
- 10.28 The submitted Landscape and Visual Impact Assessment states that although other trees will be removed to facilitate development of the internal road access the greater amount of proposed new tree and shrub planting would compensate for this loss. Peripheral site vegetation would be supplemented with new tree and shrub planting, as identified on the proposed site plan. This vegetation would include evergreen species such as holly and laurel, specimens of which are already present on the site. Following consultation with Welwyn Hatfield Landscape and Ecology, it is not considered that the proposal would result in significant harm to vegetation that is of significant amenity value and the proposed landscaping scheme is acceptable. If minded to grant planning permission, a condition is recommended to ensure that the submitted landscaping scheme and tree protection measures are implemented in full.
- 10.29 Notwithstanding the above, the application site is located in a rural area within and the Brickendon Wooded Slopes Landscape Character Area. The key characteristics of this Landscape Character Area are small ancient settlements sited within an 'old' landscape pattern with a small domestic scale.
- 10.30 Policy RA10 for development within Landscape Character Areas states that:

*“Proposals for development in the rural areas will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located, as defined in Welwyn Hatfield Landscape Character Assessment.”*

10.31 The Landscape Character Assessment for this area states that the strategy for the area is to ‘conserve and strengthen’.

10.32 This is consistent with paragraph 109 of the Framework, which states that:

*“The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes....”*

10.33 Though the individual design of units would be acceptable, the residential nature of the development and the urbanisation of this site is considered to result in the continual and unacceptable erosion of the demonstrable physical attributes within this Landscape Character Area and would neither conserve, maintain, enhance nor strengthen the character of the wider surrounding area. The development is therefore contrary to policies D1, D2 and RA10 and Sections 7 & 11 of the Framework adding further weight against the proposal.

### **3. Impact on the amenity and living conditions of neighbours occupiers**

10.34 No objections were received from neighbouring occupiers or the Parish Council on amenity grounds. The nearest neighbouring property would be in excess of 30m away from the proposed dwellings. Taking this into account, it is considered that the form and positioning of proposed dwellings would not impact upon the living conditions or residential amenity of the occupiers of neighbouring properties in terms of overbearing, overlooking, loss of light and noise.

10.35 Furthermore, the proposed dwellings would be approximately 19m away from one another and would have sufficient external amenity space future occupants. In this respect, no objections are raised with regard to Local Plan Policy D1, R19 the SDG or the Framework.

### **4. Highway safety and parking provision**

10.36 Paragraph 39 of the Framework 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. Saved Policy M14 of the District Plan and the Parking Standards SPG use maximum standards and are not consistent with the Framework and are therefore afforded less weight. In light of the above, the Council has 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.

10.37 The proposed development would afford a garage and ample hardstanding for each unit which would provide for sufficient off-road parking. Taking this into account, and as each dwelling would have a secure area to store bicycles, it is considered that parking provision for proposed units would be acceptable.

- 10.38 Turning to highway safety, Hertfordshire County Council Transport, Programmes and Strategy have been consulted and consider that visibility from the proposed access would be acceptable and that the proposal is unlikely to have a material impact on the local and wider road network.
- 10.39 Subject to relevant informatives, the proposal would be acceptable in terms of parking provision and highway safety.

### **5. Protected species**

- 10.40 The presence of protected species is a material consideration, in accordance with the Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species (Amendment) Regulations 2012 as well as Circular 06/05. Furthermore, Policy R11 requires developments to contribute positively to biodiversity.
- 10.41 The application site is not located within a designated wildlife site. However, the site is located in a rural area, enclosed by established vegetation, and an identified wildlife site is located approximately 90m away to the west of the site.
- 10.42 A Preliminary Ecological Appraisal was carried out by The Ecology Consultancy on the 12 February 2015. The report submitted with this application states that the site has potential to support protected species groups including: high potential to support breeding birds, moderate potential to support roosting bats, Great Crested Newt and Hazel Dormouse and low potential to support badger and widespread reptile species. Subsequently, a bat survey was carried out by Jones and Sons Environmental Sciences Ltd on the 17 May 2016, to investigate whether there were bats roosting at the proposed development site. The survey concluded that there was no evidence of bats roosting in the existing dwellinghouse and therefore there are no current restrictions to the demolition of the building with regards to bats.
- 10.43 Hertfordshire Ecology was consulted and did not object to the proposal suggesting only an informative to avoid the bird breeding season. On this basis, it is considered that the Local Planning Authority has sufficient information to be able to determine the application in accordance with its Biodiversity Duty and European Protected Species planning responsibilities, having taken bats reasonably into account.

### **6. Principle of development with regards to sustainability**

- 10.44 The proposal would be located on previously developed land, in accordance with Policy R1. However, Policy SD1 states that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and they accord with the objectives and policies of the Development Plan. This is consistent with the 'golden thread' running through the Framework which is the presumption in favour of sustainable development (para. 14). The Framework states that there are three aspects to sustainable development; social, economic and environmental. These roles should not be undertaken in isolation, because they are mutually dependant (paras. 7-8).

#### *Environmental*

- 10.45 Essendon is a small, isolated, rural village which scored poorly in the recent Welwyn Hatfield Community Facility Study (October 2012). It was identified

within this study that there are limited services and facilities within this village and, though there are public transport facilities within Essendon, the application site lies outside of the boundary of this village, approximately 650m away from the nearest bus stop.

- 10.46 Furthermore, the only bus service in Essendon is infrequent. There is only one bus service in AM Peak and another service in PM Peak. In-between service is every two hours. Saturday service is every two hours and on Sundays there no service at all. The nearest railway station is at Welham Green which is approximately 5.4km and would be accessed either by narrow unlit roads or by crossing agricultural fields. The larger urban centres of Hatfield and Potters Bar are approximately 8-9km from the site. It is therefore probable that most journeys would be made by private car and deliveries would also be made by vehicle. The development is, therefore, environmentally unsustainable in this regard.
- 10.47 As discussed above, there is also a current and emerging strategy that seeks to channel development towards larger urban areas which are more sustainable and away from more rural locations. To allow ad-hoc residential development in the Green Belt would encourage a sporadic and unsustainable pattern of development which is contrary to this aim. This undermines the Council's strategic objectives as to where it wants to locate development.
- 10.48 Taking all of the above into account, the development is contrary to Green Belt policy, is isolated in terms of access to local shops and facilities and accessible to only very limited public transport services. Furthermore, although located on previously developed land in accordance with Policy R1, the proposal would contravene the Council's settlement strategy. As such, the development is not environmentally sustainable and is contrary to Policies H1, H2, GBSP1, GBSP2 and SD1. It follows that the development is also not in accordance with the "golden thread" running through the Framework in this regard.

#### *Social*

- 10.49 The proposal is not of a scale that may encourage the long term sustainability of Essendon. In favour of the scheme is the contribution of one additional dwelling to the Borough's housing stock. However, given that the Local Planning Authority has a five year housing land supply and the proposal would encourage an unsustainable pattern of development, limited weight is afforded to this.

#### *Economic*

- 10.50 In relation to the economy, the proposed development would make a small contribution in the short term through the provision of employment and the sale of materials associated with the construction of the dwelling. This is afforded only limited weight.

#### *Conclusion on sustainability*

- 10.51 The presumption in favour of sustainable development only applies to development which has been found to be sustainable (this is outlined in Case Law Davis and Jelson v SoS for CLG). This site cannot be regarded as sustainable in terms of the Framework advice on achieving sustainable development. Nor can inappropriate development within the Green Belt itself be

regarded as sustainable as advised by footnote 9 to paragraph 14 of the Framework. The development is contrary to policy SD1 of the District Plan and the “golden thread” of the Framework and, therefore, should be refused on these grounds.

## **7. Very special circumstances**

- 10.52 The development has been found to be fundamentally unsustainable in terms of social, economic and environmental factors.
- 10.53 Though the proposal is considered to be located upon previously developed land, the development would result in harm to the openness of the Green Belt and the purposes of including land within it when compared to the existing development and use at the site. The proposal therefore fails the two pre-conditions within bullet point 6 of paragraph 89 of the Framework and is inappropriate within the Green Belt. The inappropriate nature of the development and the above mentioned harm has been attributed significant weight against the proposal.
- 10.54 There would also be harm to the landscape character and appearance of the area, to which significant weight is also afforded.
- 10.55 As with previous Green Belt policy inappropriate development is harmful to the Green Belt and paragraph 87 of the Framework states that it should not be approved except in very special circumstances (which, in accordance with the Redhill Aerodrome judgement, can also outweigh “any other harm”).

### *Permitted development fallback*

- 10.56 The planning history at the site and the information provided within submitted planning statements shows that the applicant benefits from a considerable permitted development fall back that is now considered to be more than a merely theoretical prospect. This could, if implemented in full, significantly increase the amount of development on the site and spread built form to the north and south of the existing dwelling.
- 10.57 The applicant has demonstrated that, where the permitted development fall back to be fully implemented, the redevelopment of the site to provide for the two units would result in a reduction of; approximately 130m<sup>2</sup> in terms of floor area, 212m<sup>2</sup> in terms of footprint and a reduction of 298m<sup>3</sup> in terms of volume when compared to this fall back.
- 10.58 The Planning Statement which accompanies this application states “*The two houses are placed in the northern part of the site in the same area that would be developed in the permitted development scheme.*” This may apply in a broad sense, however, it is important that a careful comparison is made between the two schemes. In particular, it is noted that the footprint of the dwelling on plot 1 would extend 9m further north so that it is directly in front of the access whilst also closing the gap which would otherwise exist between the dwelling and the detached garage. The footprint of the dwelling on plot 2 would extend a further 6m to the south of the site beyond the permitted development scheme. The change is even more significant when a comparison is made between the amount of development above ground level. The two storey portion of the dwelling on plot 1 would extend 11m further north when compared to the permitted development scheme and would be 7m closer to the crossover with the highway. Turning to plot 2, here the two storey portion

of the dwelling would extend 27m further south into the site when compared to the permitted development scheme.

- 10.59 Although it is acknowledged that the proposed development would result in the reduction in terms of footprint, floor area and volume, the concept of “openness” goes beyond a numerical calculation. Openness instead is a qualitative judgement pertaining to the whole, including disposition of buildings, building height, bulk, mass, roofscape, landscape and topography.
- 10.60 In this case, the ridge heights of both new houses would be 7.6m. By comparison, the height of the roof of the existing house in the permitted development scheme is 7.65m. However, this small reduction in ridge height does not outweigh the very substantial increase in the amount of development at first floor and roof level. For example, the permitted development scheme includes 126m<sup>2</sup> of floor area at first floor level compared 310m<sup>2</sup> for the proposed scheme (a 146% increase). Although no volumetric figures are available for first floor and roofspace alone, it is reasonable to consider that such a significant increase in floor area would also result in a commensurately substantial increase in volume. Clearly the introduction of an additional two storey dwelling to the site would result in a very significant increase in bulk and massing at a high level where the impact on openness would be greatest.
- 10.61 Whilst the screening effect of existing boundary fencing and vegetation are acknowledged, in future even a TPO cannot ensure the permanent retention of trees that become damaged or diseased or of other boundary planting. Importantly, areas that are free of built development within the site contribute to the openness of the Green Belt regardless of whether or not it can be seen from public viewpoints. Whilst public views are an important consideration they can never be the sole determining factor. Furthermore, no matter how well the buildings are screened from the B158, the harm to openness will be seen from the site access and by residents and their visitors.
- 10.62 When compared to a permitted development fall back scheme, the current proposal would have significantly greater harm to openness resulting from an additional residential unit at the site as the proposed development would still introduce features of physical permanence (residential paraphernalia, boundary treatments and cars parked within the curtilage of this additional dwelling as examples). Additionally, the permitted development fall back scheme shows a single storey outbuilding to the south of the existing dwelling. A two storey dwellinghouse would be sited in a similar location to this element of the permitted development fall back scheme. As such, by virtue of the scale of the proposed unit towards the south of the site (plot 2), there would be additional harm to the visual openness of this particular area of the site when compared to the fall back scheme.
- 10.63 Furthermore, the proposed development would still result in inappropriate residential encroachment into a rural setting, would fail to assist in urban regeneration by encouraging the recycling of derelict and other urban land, would harm the character of the area and is fundamentally unsustainable.
- 10.64 It is noted that there is support for the proposal from the occupiers of three neighbouring properties: Essendon Manor, North Lodge and Bedwell End. The neighbour’s comments identified other sites which have been redeveloped in the past 15 years, however, all have specific circumstances which are different to the

current application and, in any case, each proposal must be judged on its own merits.

- 10.65 The reason for the call-in draws comparison between this proposal and the amount of Green Belt land required for new development in the emerging Local Plan. However, the coherent and planned release of Green Belt land is different to granting permission for ad-hoc speculative development which is contrary to local and national planning policies and which undermines the credibility of the Green Belt and strategic planning.
- 10.66 On balance, whilst the permitted development fall back provides weight in favour of the proposal, the factors in support of the proposal do not outweigh, let alone clearly outweigh, the considerable identified harm arising from the proposed development. The very special circumstances that are therefore required to justify the proposal do not exist.

## **8. Other material considerations**

### *Conditions*

- 10.67 Planning Practice Guidance Policy governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.

## **11 Conclusion**

- 11.1 In the overall balancing exercise, the proposal has been found to be unsustainable with regards to environmental, social and economic factors.
- 11.2 The proposal would cause harm to the Green Belt by reason of inappropriateness. It would cause harm to the openness of the Green Belt and would result in the encroachment of built form into the countryside and would fail to assist in urban regeneration, conflicting with two of the five purposes of including land within the Green Belt. Substantial weight is attached to these factors.
- 11.3 There would be harm to the landscape character and appearance of this rural area which, again, has been afforded substantial weight.
- 11.4 In favour of the scheme is the contribution to the Borough's housing stock. However, given that the Local Planning Authority have a five year housing land supply and the proposal would encourage an unsustainable pattern of development, this does not provide any weight in favour of the scheme.



- 11.5 A detailed comparison has been made between the proposed development and the permitted development fall back scheme. Whilst the fall back that is now considered to be more than a merely theoretical prospect, these extensions and single storey outbuildings would be markedly different to the scheme that is being proposed for two new detached dwellings. When compared to the proposed re-development of the site, the fall back scheme has been found to have less harm in terms of the openness of the Green Belt, encroachment of built form in the countryside and would have no impact in respect of urban regeneration and the Council's strategy for development. For these reasons it has only been afforded moderate weight in favour of the proposal.
- 11.6 Taking all matters into consideration, the factors in support of the proposal do not outweigh, let alone clearly outweigh, the harm that arises. The very special circumstances that are therefore required to justify the proposal still do not exist.

## **12 Recommendation**

- 12.1 It is recommended that planning permission be refused for the following reason(s)
1. By virtue of its location and its remoteness from existing services and facilities and from existing infrastructure in the area, the proposal is contrary to the settlement strategy of the Council and represents an environmentally unsustainable form of development. This is not outweighed by the limited economic and social benefits. As such, the proposal is fundamentally unsustainable, contrary to Saved Policies SD1, H1, H2, GBSP1 and GBSP2 of the adopted Welwyn Hatfield District Plan 2005 and the "golden thread" of the National Planning Policy Framework which seeks to achieve sustainable development.
  2. The proposed development, by virtue of its scale, nature and location, results in harm to physical and visual aspects of openness of the Green Belt, encroaches residential form into the countryside and fails to assist in urban regeneration by encouraging the recycling of derelict and other urban land. As such the proposal would cause harm to openness and contravenes the purposes of including land within the Green Belt that would be significantly greater than that of the existing use of the site and represents inappropriate development within the Green Belt. The Local Planning Authority considers that very special circumstances do not exist to outweigh the harm caused, by reason of its inappropriateness and the other harm identified. Accordingly the proposal is contrary Saved Policies GBSP1 and GBSP2 of the adopted Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.
  3. The urbanisation of this site is considered to result in an unacceptable erosion of the demonstrable physical attributes within the Landscape Character Area and would neither conserve, maintain, enhance nor strengthen the character of the wider surrounding area. As such, the proposal is not considered to be high quality design and is contrary to Saved Policies D1, D2 and RA10 of the adopted Welwyn Hatfield District Plan 2005, Welwyn Hatfield District Plan Supplementary Design Guidance 2005 (Statement of Council Policy) and The National Planning Policy Framework.

**Refused Drawing Numbers:**

A-00 Rev A & A-03 Rev A & A-06 Rev A & A-07 Rev A & A-08 Rev A & A-09 Rev A & A-10 Rev A & A-20 Rev C & A-21 Rev C & A-22 Rev C & A-30 Rev B & A-31 Rev B & A-32 Rev B & A-33 Rev B & A-34 Rev B & A-35 Rev B & A-36 Rev B & A-37 Rev B & A-38 Rev B & A-40 Rev B & A-41 Rev B & A-42 Rev B & A-43 Rev B & A-44 Rev B & A-45 Rev B & A-46 Rev B & A-47 & A-48 & A-49 & A-50 & PRI19764-03 & SE\_L001 & SE\_L002 & SE\_L003 & SE\_L004 & SE\_L005 & SE\_L006 & SE\_L008

**Summary of reasons for refusal of permission**

The decision has been made taking into account material planning considerations and where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework (see Officer's report which can be inspected at these offices).


*Mark Peacock*, (Strategy and Development)

Date: 27.09.2016

Expiry Date: 02.08.2016

Background papers to be listed (if applicable)



 Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title:		Scale: DNS	
	The Spinney, High Road, Essendon		Date: 2016	
	Project:	DMC Meeting	Drawing Number:	6/2016/1118/FULL
			Drawn:	Andrew Windscheffel
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