

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

N6/2015/1072/FP

14 GREAT NORTH ROAD, WELWYN, AL6 0PL

RETENTION OF EXISTING GARAGE, FRONT BOUNDARY WALL AND ENTRANCE GATES

APPLICANT: Ms L Lucas

(Welwyn East)

1 Site Description

- 1.1 The site comprises a large plot located on the north side of Great North Road and features a relatively modest single storey dwelling located towards the rear of the plot and which is set well back from the main road. The land slopes upwards toward the rear of the plot, from the road at the front. The property is currently unoccupied and the site has been cleared, with no garden or landscaping within the plot. It appears that the plot has been subdivided at some point in the past, with a fence running to the rear of the house and separating the rear of the plot to form a separate enclosed area of land which is unused and overgrown and which is accessed from The Avenue to the north-east, via an overgrown driveway.

2 The Proposal

- 2.1 The application seeks retrospective planning permission for the retention of a brick built garage outbuilding and front boundary wall. The garage is located at the north-west corner of the plot, to the rear of the house. This application proposes a change to the existing garage by replacing the roof with a roof of a shallower pitch (43° down to 23°). This effectively brings the height of the garage from 5.6m to approximately 4.1m.
- 2.2 The existing wall measures approximately 2.14m in height and 2.4m to the top of the support pillars. However, this application proposes to amend the existing wall so that there are pillars to a height of approximately 2.1 metres with metal railings between, sited above a wall of 0.9 metres. The total height of the wall and railings would be approximately 2 metres. The walls and railings either side of the entrance drive are of the same height and the metal gate (not yet in place) would measure approximately 2.14m in height by a width of approximately 3.5m.

3. Reason for Committee Consideration

- 2.3 This application is presented to the Development Management Committee because Welwyn Parish Council has objected to the proposal.

3 Relevant Planning History

- 3.1 N6/2003/0613/FP – Side conservatory. Approved 7th July 2003
- 3.2 N6/2009/2503/FP – Erection of single storey side extension and front porch. Approved 4th February 2010
- 3.3 N6/2014/2346/FP – Retention of existing detached garage, front boundary wall and entrance gate. Refused 8th January 2015. The reason for refusal was:
1. The proposed garage outbuilding and boundary walls represent inappropriate development within the Green Belt which is by definition harmful to the Green Belt and this harm is afforded substantial weight. In addition, the proposal causes substantial harm to the openness and visual amenity of the Green Belt. It is not considered that any very special circumstances outweigh the harm caused, by reason of inappropriateness and the other harm identified. The proposal is therefore contrary to the National Planning Policy Framework and Policies RA3, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the Council's Supplementary Design Guidance.

4 Planning Policy

- 4.1 National Planning Policy Framework
- 4.2 Welwyn Hatfield District Plan 2005
- 4.3 Supplementary Design Guidance, February 2005

5 Site Designation

- 5.1 The site lies within Metropolitan Green Belt and Danesbury Settled Slopes Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005.

6 Representations Received

- 6.1 The application was advertised by means of neighbour notification letters. One representation has been received. This comment may be summarised as:
- Similar to previous application – nothing changed
 - Not in keeping with the streetscene / looks like a fortress

7 Consultations Received

- 7.1 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** - no objection subject to conditions

8 Parish Council Representations

- 8.1 Welwyn Parish Council have objected for the following reason:

“The Council believes this is an inappropriate development in the Green Belt. Additionally, there is no significant difference between this application and a previous application that the Borough refused.

9 Analysis

9.1 The main planning issues to be considered are:

1. **Whether the proposal is appropriate development within the Green Belt (Policy RA3 and NPPF)**
2. **Impact on the openness and purposes of the Green Belt (RA3 and NPPF)**
3. **Impact on the character and appearance of the site and surrounding area and on the visual amenity of the Green Belt (RA3, RA10, D1, D2, SDG and NPPF)**
4. **Whether there are any very special circumstances (NPPF)**
5. **Impact on residential amenity of future occupiers and neighbouring properties (D1, SDG and NPPF)**

1. Whether the proposal represents appropriate development within the Green Belt

9.2 At paragraph 79 the National Planning Policy Framework (NPPF) states that the construction of new buildings in the Green Belt is inappropriate other than for a number of exceptions. The NPPF does not make any reference to detached ancillary outbuildings in terms of being an exception within the Green Belt. However, planning case law (*Sevenoaks DC v SSE & Dawe* 1997 and *Comer v Welwyn Hatfield BC* 2014) has found that it is not uncommon for ancillary buildings to be treated as an extension to a dwelling, subject to the particular circumstances and considerations of each case, on a matter of fact and degree. As such, the outbuilding in this instance may be considered within the exception under paragraph 89 of the NPPF 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'*.

9.3 The existing garage outbuilding is located within the immediate vicinity of the main dwelling and is located within the same part of the large plot as the house. Furthermore, the outbuilding is set just 2m from the house at its nearest point.

9.4 Policy RA3 of the District Plan states that *'permission for extensions to existing dwellings within the Green Belt will be allowed only where (i) the proposal would not individually or when considered with existing or approved extensions result in a disproportionate increase in the size of the original dwelling and (ii) it would not have an adverse visual impact on the character, appearance and pattern of development of the surrounding countryside'*. Further explanation of this policy clarifies that outbuildings are included, as *'the curtilages of dwellings have an important role in maintaining the openness of the Green Belt'*. This adds further weight to the consideration that outbuildings can be considered as extensions to dwellings and under this exception of development within the Green Belt.

9.5 The footprint of the existing garage measures approximately 34sq.m, compared to the footprint of the original dwelling, which is understood to measure approximately 80sq.m. The property already features a rear lean-to extension which has a footprint measuring approximately 25sq.m which already represented a 31% increase to footprint of the original dwelling. The combined footprint of the rear extension and the garage outbuilding results in a footprint increase of approximately 74% over the original dwelling.

- 9.6 However, the footprint is not the sole measure when considering whether or not a proposal is disproportionate or not. In this instance, at approximately 4.1m in height, the garage outbuilding is now lower than the main dwelling whereas previously, under application N6/2014/2346/FP, it extended to almost the same height. The garage outbuilding is therefore less visible from Great North Road, when seen in the context of the main dwelling. With these considerations in mind, the garage outbuilding is now more subordinate in terms of its scale and its appearance in relation to the host dwelling and so no longer represents a disproportionate addition to the original dwelling. Furthermore, the alterations to its height compared to the previous proposal has resulted in a building with a height, just 100mm above that which could be built under permitted development. Accordingly it is no longer contrary to paragraph 89 of the NPPF and to Policy RA3 of the District Plan.
- 9.7 With regard to the existing boundary wall there is no statutory definition of a 'building' within the NPPF. However, the statutory definition at section 336 of the Act includes '*any structure or erection*' and officer's view is the wall should be regarded as a building for this purpose. It is therefore an inappropriate form of development within the Green Belt, not falling within any of the exceptions, and substantial weight is attached to the harm arising due to the inappropriate nature of the development. Regards in terms of the inappropriateness needs to be given to the purposes of including land within and its impact upon the openness of the Green Belt

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

- 9.8 Paragraph 79 of the NPPF states that '*the essential characteristics of Green Belts are their openness and their permanence*'. Openness is seen as an essential characteristic of Green Belts so a reduction in that quality would also be harmful, in Green Belt terms. The Framework is clear that substantial weight should be given to any harm to the Green Belt.
- 9.9 The existing garage outbuilding is now less visible (due to the alterations to its height) from Great North Road and the open countryside further to the south. This aspect of the proposal increases development and built mass within the Green Belt and inevitably there is a loss on openness. However, at only 100mm above permitted development tolerances, this loss of openness would likely have been considered by the Government when drafting these permitted allowances.
- 9.10 With regard to the boundary wall and railings, it is considered that the majority sits behind an existing boundary hedge and serves to reinforce an existing boundary line. The hedge is somewhat overgrown and does not fall within the applicant's ownership according to the application documents. The wall and railings would span across the entire width of the plot before meeting the entrance where the two walls and railings, either side of the driveway, would be situated. With the existing boundary hedgerow, public view and from the open countryside to the opposite side of Great North Road means they are not readily visible. However, landscaping cannot be used to make inappropriate development within the Green Belt acceptable.
- 9.11 Regard needs to be given to the proposed amendments, compared to the previously refused scheme, which would provide railings between columns. Additionally, legislation defines boundary treatment that might be constructed under permitted development. This states that walls adjacent to a highway must

be 1 metre or less and in any other case 2 metres or less. There is no statutory definition of 'adjacent' with each case being treated on its individual circumstances. The boundary treatment is 3 metres from the public footpath and in this particular instance this might be defined as not being adjacent. However, the only way of gaining certainty regarding this issue is through the submission of a certificate of lawfulness. If it were confirmed as being permitted, the height of the wall would only be approximately 100 above permitted development.

- 9.12 With these matters in mind, it is considered that given the nature and location of the proposals, within the curtilage of an existing residential plot, the development's would not conflict with the five purposes of the Green Belt, as listed at paragraph 80 of the NPPF.

3. Impact on the character and appearance of the site, the surrounding area and on the visual amenity of the Green Belt

- 9.13 The National Planning Policy Framework states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character and history; reflect the identity of local surroundings and materials; are visually attractive as a result of good architecture and appropriate landscaping.
- 9.14 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location. Policy RA10 relates to Landscape Regions and Character Areas and states that 'proposals for development in rural areas will be expected to contribute to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located'.
- 9.15 Criterion (i) of Policy RA3 states that outbuildings at dwellings within the Green Belt will be allowed so long as it would not have an adverse visual impact (in terms of its prominence, size, bulk and design) on the character, appearance and pattern of development of the surrounding countryside.
- 9.16 No.14 forms part of a linear row of development on the north-west side of Great North Road with open fields and countryside on the opposite side of the road. Neighbouring properties along this row generally have soft landscaping to the front boundaries made up of hedging and vegetation although there are a number of examples of boundary walls along the frontage. Where there are walls to property frontages, these are at a low height and accompanied by hedges.
- 9.17 The existing garage outbuilding (existing, although construction is not complete), although set behind the main host dwelling, is now of a lesser height and is no longer slightly taller than the main single storey dwelling (by approximately 0.2m). The garage therefore would be subordinate in terms of its scale and its appearance in relation to the main dwelling and no longer presents an overly dominant, incongruous feature within the plot. Furthermore, the pitch of the roof

over the garage has been substantially reduced and it would no longer appear as an intrusive feature within the streetscene.

- 9.18 The wall would be set behind a hedge and whilst the entrance gates and piers would be visible within the street there would be no real harm to the character of the area. The impact on the character and appearance of the area and visual amenity is therefore considered to be neutral.
- 9.19 No objections are raised, however, with regard to the impact on the Danesbury Settled Slopes Landscape Character Area, as this would be minimal.

4. Impact on the residential amenity of neighbouring properties

- 9.20 Policy D1 and the Supplementary Design Guidance aim to preserve neighbouring amenity. In addition, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings. Policy D8 requires '*the retention and enhancement of existing key landscape features such as trees*'.
- 9.21 The boundary treatment would be to the frontage of the property, alongside Great North Road and so would have little impact on any neighbouring properties.
- 9.22 The garage outbuilding is located at the north-west corner of the plot and so sits alongside the rear boundary, shared with the unused, overgrown site at the rear of No.14 and the side boundary, shared with No.12 Great North Road. The land at No.14 (and indeed at neighbouring properties, due to the general topography of the area), slopes upwards from the front where the road is at a lower level up to the rear, where the land is at its highest. Therefore, in order to create a level surface for the garage, the land has been excavated and the garage outbuilding sits within the slope of the land. This excavation therefore reduces the height of the garage relative to the neighbouring property at No.12. Furthermore, the dwelling at No.12 features an extensive rear projection within close proximity to the side boundary shared with No.14 and so the garage sits alongside this rather than the rear amenity space of No.12. In addition, officers note that with the excavated ground level, the garage is well screened from the neighbouring property by a boundary fence and by tall trees and vegetation along this part of the boundary. Lastly, there are no windows or any other openings facing towards neighbouring properties. As such, the garage is not overbearing, does not result in a significant loss of sunlight and does not result in a loss of privacy at neighbouring properties. Therefore, the proposals do not result in any undue harm to the residential amenity of neighbouring properties and so the proposals comply with Policies D1 and SDG in this regard.

5. Any Very Special Circumstances to outweigh the harm identified

- 9.23 The above paragraphs have concluded that the existing garage outbuilding and boundary wall would represent inappropriate development within the Green Belt and which result in substantial harm to openness where substantial weight is given to this harm as outlined in paragraph 88 of the NPPF. The development is therefore contrary to the NPPF and policy RA3.
- 9.24 Paragraph 87 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 88 continues to say that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness or any other harm is clearly outweighed by other considerations.

- 9.25 In the overall balancing exercise required, the wall would be inappropriate development that would cause substantial harm to the Green Belt. The wall and garage would also impact upon openness although this impact would be limited.
- 9.26 The proposal would have no harmful impact on the character and appearance of the local landscape, living conditions, or subject to conditions cause difficulties in terms of highway safety. However, these are neutral rather than positive considerations and these matters merely result in there being no additional harm to that arising from the inappropriate development proposed.
- 9.27 The harm arising would be substantially mitigated by an absence of harmful visual intrusion as a result of the changes made to the scheme and of particular importance would be the fact that the wall is set behind the existing hedge, it would also be only marginally higher than permitted development allowances, and the ridge would now, no longer be higher than the existing building. Taking these factors together, the harm caused by loss of openness would be somewhat offset.
- 9.28 However, a wall is already in place which is not readily visible and would be improved further with the alteration to provide railings and at a lower height, would further reduce its visibility. These factors are considered to outweigh the harm caused by reason of the wall being inappropriate and therefore results in the very special circumstance for the wall to be retained, albeit at its reduced height.

Conditions

- 9.29 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.
- 9.30 It is recommended that a time limit for the completion of the development is attached to the permission to ensure that the developments comply with any permission granted. It is recommended that, due to the time of the year, that completion is achieved within 8 months of any grant of permission.

10. Conclusion

10.1 The development is considered would represent inappropriate development in the case of the wall but harm is overcome by virtue of it not failing to comply with the purposes of including land within the Green Belt. The reduction in the height of the outbuilding makes it appropriate development complying with local and national planning policy.

11. Recommendation

11.1 It is recommended that planning permission be approved subject to the following conditions:

1. The development hereby approved shall be constructed in accordance with the approved drawings within 8 months of the date of the permission hereby granted.

REASON: In the interests of the visual amenity and openness of the Green Belt and wider character of the area in accordance with the National Planning Policy Framework and Policy D1 and D2 of the Welwyn Hatfield District Plan 2005.

2. The development/works shall not be started and completed other than in accordance with the approved plans and details:

3404-E01 rev A & 3404-OS2 & 3404-OS1

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

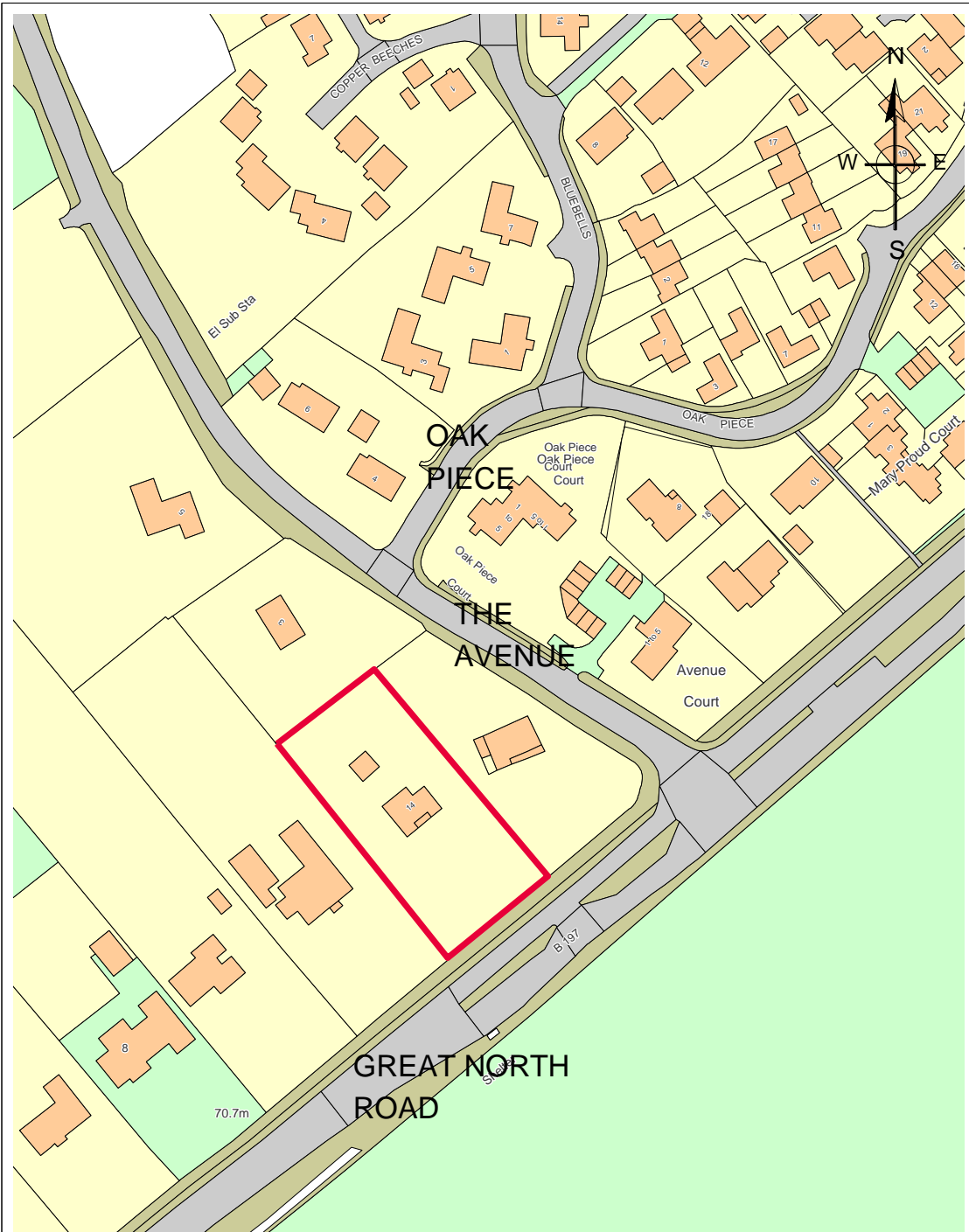
POSITIVE AND PROACTIVE STATEMENT

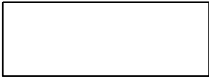
The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Lisa Hughes, (Strategy and Development)

Date 10 September 2016

Application Expiry 14 October 2016



 Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title: 14 Great North Road, Welwyn		Scale: DNS
	Project: DMC Meeting		Date: 2016
	Drawing Number: N6/2015/1072/FP		Drawn: Andrew Windscheffel
© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2016			