

Part I

Executive Member: Councillor Perkins

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 14 SEPTEMBER 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION,
PLANNING AND GOVERNANCE)

6/2017/0772/FULL

THE BUNGALOW, BULLS LANE, HATFIELD, AL9 7AZ

CHANGE OF USE OF HIGHWAY LAND TO FORM NEW DRIVEWAY WITH
DROPPED KERB TO FRONT OF PROPERTY

APPLICANT: Mrs Herdiera

(Welham Green and South Hatfield)

1 Site Description

- 1.1 The application site comprises The Bungalow a detached dwelling on the northern side of Bulls Lane together with its gardens and hardstanding area. The site also includes a small triangle of land on the highway verge of Bulls Lane, which is owned by the Highway Authority. The verge is 10m deep at this point and contains a hedgerow around 2.5-3m high positioned near to the road frontage creating a well vegetated and soft landscaped area.
- 1.2 The general streetscape is rural in setting with a small cluster of residential dwellings and a farm set back from the road frontage. At this point in the lane there is a gap in the roadside verge and a shared driveway leads north for approximately 14m to a gate. That drive serves Bellbrook, Nirvana and White Lodge Farm.
- 1.3 The application property has been accessed from the shared driveway. The first 14m from Bulls Lane is over highway land. Beyond that is the gate with brick wings and piers. The shared drive continues over private land behind the gates. The application property has had its access altered to a left-hand 90 degree turn just inside the gates and this has resulted in a blind corner and restricted turning radius for larger (delivery) vehicles. A new access is being sought to facilitate vehicle access to the dwelling's curtilage from the front of the site.

2 The Proposal

- 2.1 Full planning permission is sought for the change of use of highway land to residential to enable a new driveway from the existing drive entrance

across a triangular section of verge to the front boundary of the site. This would include the following works:

- Change of use of highway verge from highway land to residential driveway; 15sqm triangular section, 3.7m wide, set 5m back from Bulls Lane carriageway. The proposed surface would only be used to allow vehicles to pass across the land to the application dwelling and not as a hardstanding where vehicles could be parked. The use would be retained as highway land with only the occasional vehicle using the access.
- Replacing two panels of the boundary fence with a 2m high double gate (up to 3.5m in width) in natural materials;
- Retention of the remaining section of the hedge outside the south boundary of the site;
- Retention of all the hedgerow and trees on Bulls Lane road frontage;

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because of the complex planning history of the site and its vicinity.

4 Relevant Planning History

- 4.1 S6/2015/0983/NM - Non material amendment following approval of planning permission S6/2014/2512/FP - Enlarge size of windows. Granted 30.7.2015.
- 4.2 S6/2015/0705/DS - Application for approval of details reserved by conditions 3 (Landscapes) and condition 4 (Acoustic Insulation). Granted 8.6.2015.
- 4.3 Barn at The Bungalow – S6/2014/2512/FP - Change of use and conversion of existing outbuilding to form 1 bedroom dwelling together with use of existing car parking and vehicular access. Granted 5.3.2015.
- 4.4 Barn at The Bungalow – S6/2014/2035/FP - Change of use and conversion of existing outbuilding to residential dwelling with car parking and amenity space/garden. Not Valid 29.10.2014.
- 4.5 Barn at The Bungalow – S6/2014/0790/LUE - Certificate of lawfulness for the existing use class B1 (offices) with ancillary storage space. Refused 4.6.2014.
- 4.6 S6/2011/0179/FP - Erection of single storey rear extension and roof alterations. Withdrawn.

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework
- 5.1 Draft Local Plan Proposed Submission, August 2012
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Supplementary Design Guidance, February 2005 (Statement of Council Policy)
- 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 the Green Belt as designated in the Welwyn Hatfield District Plan 2005. It is also within the Potters Bar Parkland Landscape Character Area.

7 Representations Received

- 7.1 The application was advertised by means of neighbour notification letters for 21 days. One response was received from the neighbouring house at Bellbrook in response to the comments of North Mymms District Green Belt Society regarding the lawfulness of a vehicle access to a field on the neighbouring property at Bellbrook. The comments did not relate to the proposed development on the application site at The Bungalow.
- 7.2 North Mymms District Green Belt Society commented as follows:
 - Removal of hedgerow and creation of hardstanding and parking will increase urban influence and materially harm the Green Belt;
 - Cumulative impact of driveways at Spinners and Bell brook;
 - Proposed development is not an exception against presumption against inappropriate development;
 - No very special circumstance exist to outweigh the harm to the Green Belt;
 - The development fails to respect the character and context of the area
 - Driveway is inappropriate to rural setting, therefore, Contrary to Policy RA10 of the District Plan.

Comments were also received regarding the lawfulness of a vehicle access to the field at Bellbrook.

8 Consultations Received

8.1 The following have responded advising that they have no objections to the proposal:

- Hertfordshire and Middlesex Wildlife Trust (HMWT),
- Hertfordshire Biological Records Centre (HBRC)

8.2 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** - No objection to the proposal. Request an informative requiring construction standards within the highway.

9 Town / Parish Council Representations

9.1 North Mymms Parish Council comment as follows:

“additional tarmac surfacing in this Green Belt setting is inappropriate and any extension to the driveway should be of permeable paving”

10 Analysis

10.1 The main planning issues to be considered are:

1. **The principle of the development in the Green Belt (NPPF, GBSP1)**
2. **Impact on the character and appearance of the area (RA10, D1, D2, SDG)**
3. **Highway safety**
4. **Other Planning Matters**
 - (i) **Landscape and Biodiversity (D8, R11)**

1. Principle of Development within the Green Belt

10.2 The site is located within the Green Belt where the government attaches great importance to the fundamental aim of Green Belt policy to prevent urban sprawl and keep land permanently open.

10.3 With regard to the proposed change of use, this is not listed in the NPPF as an exception to inappropriate development in the Green Belt and is, therefore, inappropriate. With regard to the laying out of the highway, Paragraph 90 of the National Planning Policy Framework (NPPF) is applicable and allows for certain forms of development as not inappropriate development in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. One of the categories listed is engineering operations and the proposed development would fall within that category.

10.4 The proposed change of use of a small parcel of highway verge to use as an access to facilitate the provision of vehicle access to an existing dwelling would predominantly maintain the original land levels and have no

physical structure erected upon it. By virtue of the development being at ground level it would not impact on the openness or the purposes of including land within the Green Belt.

- 10.5 Although the change of use is inappropriate development in the Green Belt the minimal visual impact would retain the open character of the Green Belt, which is one of its essential characteristics. The retention of openness is given considerable weight as a very special circumstance that outweighs the harm of the inappropriate use in this case. Therefore, the proposal is considered to be in accordance with Policies of the NPPF and Policies GBSP1 of the Welwyn Hatfield District Plan 2005.

2. The Impact on the Character and Appearance of the Area

- 10.6 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. Policy RA10 requires development to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located. In addition, Chapter 7 of the NPPF emphasises the importance of good design in context and, in particular, paragraph 64 states that 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.
- 10.7 The proposed vehicular access would lead off the existing vehicle access from Bulls Lane and would serve an existing dwelling. Presently the access into the site is via the existing gate and a 90 degree turn just after the gate. The sharpness of the turn creates a blind corner and is not suitable for larger domestic vehicles to navigate.
- 10.8 The proposed access would link to a new gate set within the hedgerow on the front boundary of the property (which is set back behind the hedge on the verge). The change of use would only affect a small portion of the verge and not impact upon the hedgerow on the street frontage. Whilst the removal of some of the grass verge and a section of the boundary hedge would be required, the access is in a discreet position close to existing trees and not visible from the west approach along Bulls Lane, being screened by the hedgerow on the verge. In addition it is partly screened from the east by the hedgerow and by a tree close to the access point on the highway frontage. The immediate vicinity is already characterised by the driveway and gates to White Lodge Farm and Spinners and the proposed driveway would lead off an existing drive so the principle of a driveway in the setting already exists. The visual impact on the character of the countryside would be limited due to the small scale of the proposal, the use of sympathetic materials and the context in which the site is set.
- 10.9 The land in Highway ownership will need to be prepared to Highway standards and will be required to have a tarmac surface. Whilst this would reduce the amount of grassed verge it will be on a very small scale and blend in with the existing access road and the context of the rural location.

- 10.10 The proposed materials for the gates will be wood. These would be up to 2m high. These gates would screen the house from the road and a condition is recommended that they be installed prior to the first use of the new access.
- 10.11 Overall, on the basis of the above it is not considered that the proposal would adversely affect the predominantly rural character of the area to warrant a refusal of the application in this regard. The applicant has been made aware that the finishing materials for the gate will need to be appropriate for the setting. Having regard to all the above the development is considered to comply with Policies D1, D2 and RA10 of the adopted Welwyn Hatfield District Plan 2005 and the NPPF.

3. Highway Safety

- 10.12 The existing dwelling has adequate off-street parking and the applicant has clarified that this would not alter.
- 10.13 The creation of a new access point to the property and a dropped kerb onto the existing vehicle access drive has not been objected to by the Highway Authority with regard to highway safety as the existing access has adequate width and kerb radius. In addition, the site can provide adequate turning space so that vehicles could enter and leave in a forward gear.
- 10.14 Should permission be granted, consent from Hertfordshire County Council would be necessary for the installation of the dropped kerb. An informative can be added to advise that construction standards for works within the highway will need to be met. In addition an informative can be added advising the applicants that they will need to apply to the Highway Authority to reposition a telegraph pole.

4. Other Planning matters

(i) Landscape and Biodiversity

- 10.15 Policy D8 of the Welwyn Hatfield District Plan requires the retention and enhancement of existing landscape features such as trees shrubs and hedgerows where this is feasible. Policy R11 requires the retention of natural features and use of locally native species in planting.
- 10.16 The proposal involves the loss of a small section of hedgerow on the southern boundary of the residential curtilage (approximately 4m length). The applicants have indicated that they will keep as much of the hedge as possible and to landscape the boundary. Retention of the boundary hedge can be secured by condition and this is recommended.

Conditions

- 10.17 The National Planning Policy Guidance 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.
- 10.18 In this case, in addition to the standard timescale condition, it is considered reasonable and necessary to apply conditions requiring the development to be constructed and completed in accordance with the submitted details and requiring the gates to be installed prior to the first use of the access in order to screen and secure the site in accordance with the relevant planning policies.

11 Conclusion

- 11.1 The proposed change of use is considered to be inappropriate in the Green Belt. However, the minimal visual impact and retention of openness in the setting are considered to be very special circumstances that outweigh the harm from the inappropriate use. The proposal would use materials appropriate to the rural setting. As such, the development is in accordance with Policies D1, D2, D8 and RA10 of the adopted Welwyn Hatfield District Plan 2005 and with the NPPF.

12 Recommendation

- 12.1 It is recommended that planning permission be approved subject to the following conditions:
1. The approved wooden gate and boundary details shall be installed and be in operational order prior to the first use of the new vehicle access hereby permitted.

REASON: To ensure the effective screening and security of the site in accordance with the Policies of the NPPF and Policies GBSP1, GBSP2 and RA10 of the Welwyn Hatfield District Plan 2005.
 2. Notwithstanding the approved plans, the retained sections of the hedge just outside the southern boundary of the site shall be maintained at a minimum height of 2 metres. Should any part of the hedge die, be removed or become seriously damaged or diseased, it shall be replaced during the following planting season by a hedge planted in

accordance with a specification previously approved in writing by the Local Planning Authority.

REASON: To ensure the effective screening and security of the site in accordance with the Policies of the NPPF and Policies GBSP1, GBSP2 and RA10 of the Welwyn Hatfield District Plan 2005.

3. DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
1077389-15-02	1	Site Location Plan	18 April 2017
SA01915		Existing and Proposed Plans	18 April 2017
Doc 1		Powerpoint Proposal for Driveway for The Bungalow	25 August 2017

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).

INFORMATIVES

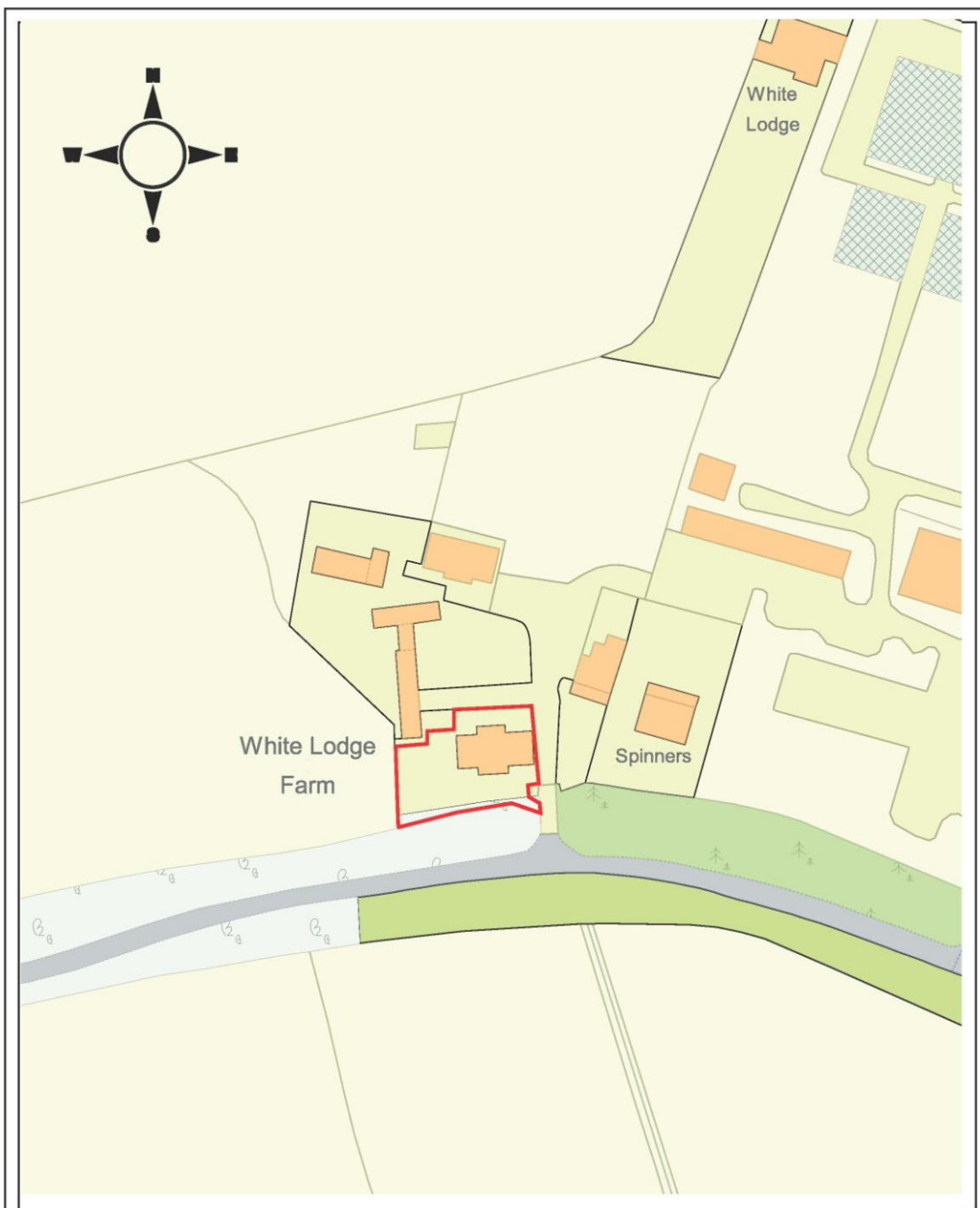
1. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire – Highway Design Guide (2011)". If any works associated with the construction of the access affects or requires the removal or relocation of any equipment, apparatus or structures (e.g. statutory authority equipment) the application will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways> or by telephoning 0300 1234047.

2. This permission does not convey any consent which may be required under any other legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or any other Act must be obtained from the relevant body or authority (e.g. Environment Agency, Water Interest etc). Neither does this permission negate or override any private covenants which may affect the land.
3. The removal of trees/hedges and shrubs should be avoided during the breeding season (March to September inclusive). If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the nesting period has finished.

June Pagdin (Development Management)

Date: 25.8.2017

Expiry: 15.5.2017



Council Offices, The Campus
Welwyn Garden City, Herts, AL8 6AE

Title: The Bungalow White Lodge Farm Bulls Lane
Hatfield

Scale: DNS

Date: 2017

Project: DMC Committee

Drawing Number:
6/2017/0772/HOUSE

Drawn: Baras Mast-Ingle

© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2016