

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 12 OCTOBER 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2017/1863/FULL

12 GREAT NORTH ROAD, WELWYN, AL6 0PL

ERECTION OF 3 X 5 BEDROOM DETACHED HOUSES (1 X WITH DOUBLE GARAGE AND 2 X WITH SINGLE GARAGES) AND ASSOCIATED PARKING FOLLOWING THE DEMOLITION OF EXISTING BUNGALOW AND OUTBUILDINGS

APPLICANT: Mr S Mulchinock

AGENT: Sherwood Architects Ltd

(Welwyn West)

1 Site Description

- 1.1 The application site is located along Great North Road to the north of that road. The site is not flat and rises up from Great North Road. The site is relatively large and contains a detached single storey bungalow, which is set well back from Great North Road.
- 1.2 The site is relatively well screened from Great North Road by vegetation. An access leading to the driveway is from Great North Road. A large tree is located in the front garden.

2 The Proposal

- 2.1 This application seeks permission for the erection of three detached dwellings which would each have five bedrooms. Two dwellings would front Great North Road which would be 2 ½ storey and would each have a detached garage located to the rear of those properties. A further detached dwelling, 2 storey in height, would be to the rear with a detached double garage.
- 2.2 Access to the properties would be from Great North Road via the existing driveway.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because the development is a departure from the District Plan.

4 Planning Policy

- 4.1 National Planning Policy Framework 2012
- 4.2 Welwyn Hatfield District Plan 2005
- 4.3 Draft Local Plan Proposed Submission 2016
- 4.4 Supplementary Design Guidance, February 2005
- 4.5 Supplementary Planning Guidance, Parking Standards, January 2004
- 4.6 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

5 Site Designation

- 5.1 The site lies within Green Belt as designated in the Welwyn Hatfield District Plan 2005.

6 Representations Received

- 6.1 The application was advertised by means of site notice, press notice and neighbour notification letters. One letter of objection has been received from 1 The Avenue. Their comments may be summarised as:
 - Concerns with the third house to situated further back from the main road;
 - It will adversely affect the style and appearance of the surrounding area;
 - It will impact on privacy and our entitlement to quiet enjoyment of our house;
 - It will be detrimental to the local wildlife and environment.

7 Consultations Received

- 7.1 The following have responded advising that they have no objections to the proposal:
 - Welwyn Hatfield Borough Council Client Services; and
 - Hertfordshire Country Council Transport Programmes and Strategy
- 7.2 Welwyn Hatfield Borough Council Environmental Health have raised concerns with the proposal and outline a lack of information has been provided with regard to noise and air quality.
- 7.3 At the time of writing the report consultation was still ongoing, and the following had not responded:
 - Welwyn Hatfield Borough Council Landscapes and Ecology Department;
 - Hertfordshire Ecology; and
 - Herts & Middlesex Wildlife Trust.

8 Town / Parish Council Representations

8.1 Welwyn Parish Council have a major objection to the development and state:-

'The application falls within the Green Belt and is an inappropriate and excessive development in the area. It is poorly designed and cramped for the site and will lead to increased traffic difficulties as cars try to join the B197 which has a speed restriction of 60mph'.

9 Analysis

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

- 1. The principle of development (NPPF, GBSP1, R1, H2 and RA10 of the District Plan and Policy SADM 1 and SADM 34 of the Emerging Plan)**
 - i) Windfall Housing***
 - ii) Whether the proposal would be inappropriate development in the Green Belt***
 - iii) The effect on the visual amenities of the Green Belt***
 - iv) If the proposal is inappropriate development and if there is any other harm, if it would be clearly outweighed by other considerations***
- 2. The layout and overall design of the development and its impact to the character of the area (D1 to D10, SDG and NPPF)**
- 3. Impact to Neighbours and Living Conditions**
- 4. Highway Safety and Parking Provision (M14, D1, SPG and Council's Interim Policy for Car Parking and Garage Sizes)**
- 5. Other Considerations**
 - i) Landscaping***
 - ii) Protected Species***
 - iii) Refuse***
 - iv) Air Quality***
 - v) Contaminated land***
 - vi) Drainage***
 - vii) Emerging Local Plan***

1. The Principle of Development

i) Windfall Housing

9.2 Policies SD1 and H2 the Welwyn Hatfield District Plan 2005, when taken together, direct new residential development towards existing towns and settlements that are well-served with transport and facilities and are outside the Green Belt. Additionally Policy R1 directs development to land previously developed.

9.3 Whilst the site is in Green Belt, it is a previously developed land, as defined by the National Planning Policy Framework (the Framework). The Framework

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 be assumed that the whole of the curtilage should be development) and any associated fixed surface infrastructure*'. This has a number of exclusions although, residential land in the Green Belt does not fall within any of those. Therefore the site is classed as Previously Developed Land (PDL).

9.4 The proposed development comes forward as windfall development where Policy H2 of the Welwyn Hatfield District Plan relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential suitability against the following criteria:

- (i) The availability of previously-developed sites and/or buildings;
- (ii) The location and accessibility of the site to services and facilities by transport modes other than the car;
- (iii) The capacity of existing and potential infrastructure to absorb further development;
- (iv) The ability to build new communities to support infrastructure and provide demand for services and facilities;
- (v) The physical and environmental constraints on development of land.

9.5 The provisions of Policy SADM1 of the emerging Local Plan are also relevant. That Policy states that planning permission for residential development on unallocated sites will be granted provided that:

- i. the site is previously developed, or is a small infill site within a town or excluded village. In the Green Belt, Policy SADM 34 will apply;*
- ii. The development will be accessible to a range of services and facilities by transport modes other than the car;*
- iii. There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;*
- iv. Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and*
- v. Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.*

9.6 Whilst no objections are raised with regard to criteria i), ii), iii) and iv) of Policy H2 or i), ii), iii), iv) or v) of SADM 1, where the site is on previously developed land, adequately served by public transport and can absorb the amount of development proposed, given the site's location in Green Belt, which is a constraint on development of this site, it is not considered that the proposed development would be in accordance with this part of policy H2.

9.7 With regard to Policy SADM 34, Development within the Green Belt, of the emerging Local Plan, is assessed below.

ii) Whether the proposal would be inappropriate development in the Green Belt

9.8 The site is located within the Metropolitan Green Belt as defined by Policy GBSP1 of the District Plan. As set out in part 9 of the National Planning

Policy Framework (the Framework) the Government sets out its strategy to development in the Green Belt. Under Paragraph 89 of the Framework, the construction of new buildings should be regarded as inappropriate in Green Belt, other than in the case of specified exceptions. Policy SADM 34, which echoes Green Belt advice in the Framework is also applicable.

- 9.9 Whilst one of the exceptions includes a replacement building, the proposed development is for three buildings and therefore would not be a replacement building.
- 9.10 Another of the exceptions refers to previously developed land, which the site is. That criteria outlines that *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'*.
- 9.11 Paragraph 79 of the Framework outlines that *'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'*
- 9.12 There is no definition of openness in the Framework, but in the Green Belt context, it is generally held to refer to freedom from, or the absence of development.
- 9.13 With regard to the purposes of the Green Belt, Paragraph 80 states that the Green Belt serves five purposes which are:
- To check unrestricted sprawl of large built up areas
 - To prevent neighbouring towns merging into one another
 - To assist in safeguarding the countryside from encroachment; and
 - 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.
- 9.14 The site consists of an existing building which is a detached bungalow which is single storey and low level. The proposed dwellings would occupy a significantly greater site area than this existing dwelling and would be two to 2 ½ storey in height, compared to the existing single storey dwelling. Therefore they would clearly have a greater impact on the openness of the Green Belt and its purpose, to safeguard the countryside from encroachment. Consequently, the proposed development would not benefit from this exception in paragraph 89 in respect of the redevelopment of previously developed land, or indeed that addressing a replacement building. Accordingly the proposed development would materially impact on the openness of the Green Belt, adding further harm to that identified above.
- 9.15 Whilst public views of the site are limited due to the vegetation along the road, this does not provide a case for permitting a reduction in openness of the Green Belt.

- 9.16 With regard to the proposed hardstanding and access route, this would be an engineering operation. Paragraph 90 of the National Planning Policy Framework (NPPF) advises in bullet point two, that an engineering operation is not inappropriate in Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.
- 9.17 The proposed driveway and extent of hardstanding, whilst preserving the openness of the Green Belt as a result that the development would not be above ground, would have an urbanising effect and would extend development onto land not previously developed, contrasting with the wider rural character of the area, which is considered inappropriate in the Green Belt.
- 9.18 Accordingly the proposed development is not considered to fall within any of the exceptions identified in Paragraphs 89 and 90 of the Framework and is inappropriate development in the Green Belt, which by definition would result in harm and should not be approved except in very special circumstances.

iii) Effect on the Visual Amenity of the Green Belt

- 9.19 With regards to the visual amenity of the Green Belt, the Framework at paragraph 81 seeks to retain and enhance landscapes, visual amenity and biodiversity. The site is located within the landscape character area of 'Danesbury Settled Slopes' with key characteristics which includes scattered residential settlement in large garden plots. The proposed plot is largely undeveloped and contributes to the setting and open character of the immediate area. Existing residential plots within the immediate area are large in size with large garden areas. The proposed dwellings at Plots 1 and 2 would be significantly smaller than plots located within the immediate vicinity and it is considered it would fail to respect and relate to the character and context of the area contrary to Policies RA10 and D2. Those policies seek to ensure that development maintains and enhances the local landscape character of the area and respects and relates to the character and context of the area in which it is proposed.
- 9.20 In addition to the harm identified above, there would be further harm to the visual amenities of the Green Belt.

iv) Very Special Circumstances

- 9.21 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 outlines that '*Very Special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*'.
- 9.22 It is accepted in case law that there is no prescribed list of what might constitute very special circumstances. It may be that a single aspect of a proposal may itself be a very special circumstance (VSC) sufficient to justify

development or it may be that a number of circumstances may cumulatively amount to very special circumstances. As Lord Justice Pill said in *South Bucks District Council v Secretary of State for Transport, Local Government and the Regions* [2003] EWCA Civ 687, [2003] All ER (D) 250 (May): “It is of the essence of very special circumstances that the applicant establishing them is in a very special category.”

- 9.23 The applicant has not put forward any other considerations to outweigh the harm. However, the Council are currently within examination of its emerging plan. Within that plan the application site along with land to the south of The Avenue is allocated to be within the settlement of Oaklands and Mardley Heath and not within Green Belt. Additionally, land to the rear of the site, including an area of the application site to the rear, is allocated for housing under Policy HS17 of the emerging Local Plan. If adopted this would make the principle of the development acceptable. Whilst this is clearly a material consideration where weight needs to be attached to this, currently the site is within Green Belt and to approve this site on this basis would be pre determining a strategic issue that will be tested at the forthcoming examination of the Local Plan. Therefore this consideration does not outweigh the presumption against this inappropriate development.
- 9.24 Therefore, it is not apparent that there are any other considerations in favour of the proposal which would individually or collectively clearly outweigh the harm to the Green Belt such as to justify the development on the basis of very special circumstances.
- 9.25 Accordingly the proposed development conflicts with the Framework and policies RA10, H2 and D2 of the District Plan and Policies SADM1 and SADM 34 of the emerging plan.

2. Impact to Character

- 9.26 Policies D1 and D2 of the District Plan apply which aim to ensure a high quality of design and to that development respects and relates to the character and context of the locality.
- 9.27 In addition to the above, the Framework sets out the view of the Government in respect of good design, indeed this is noted as forming a key aspect of sustainable development as it can contribute positively to making places better for people. In particular paragraph 64 outlines that *‘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’*.
- 9.28 The character of Great North Road from The Clock roundabout in Welwyn to The Avenue, consists of a mixture of detached dwellings set within relatively spacious plots which are located to the north of Great North Road. To the south are open fields. The houses to the east of The Avenue are not within the Green Belt.

- 9.29 The application site is not dissimilar to other nearby properties with a detached bungalow and small garages and large back gardens. The surrounding area is predominately residential with a variety of dwellings and style of dwelling. A distinct characteristic of the locality are the large gardens of many of the properties on this part of Great North Road. The application site also contains a large plot with mature planting and trees resulting in an attractive and spacious environment.
- 9.30 The proposal is for the demolition of the existing bungalow and construction of three, detached houses, two of which would be 2 ½ storey and the remaining property two storey. Two would front Great North Road with one situated being the two dwellings to the front of the site and accessed off a driveway from Great North Road, resulting in a form of tandem development.
- 9.31 The detailed layout is considered to be more problematic as a tandem development of the form proposed as it is not a characteristic of the locality and is considered would erode the area's well established spacious character. Whilst the footprint of the properties proposed would not be dissimilar to other properties, the two properties at Plots 1 and 2 would be on significantly smaller plots than similar sized houses nearby. Additionally as a result of the number of properties proposed on the site, together with their overall scale and bulk, which is considerably greater than the scale of the existing properties immediately adjacent to the site, it would subsequently result in development close together with minimal separation distances and limited space to the boundaries of the application site. This would make the dwellings appear cramped in relation to the wider context of the locality and out of character with the more spacious character of its immediate surroundings. It is considered that the proposed layout, bulk and mass of the proposed dwellings create a poorly conceived development and would result in a form of development that is out of keeping with the established character of the area.
- 9.32 The Council's adopted guidance for gardens do not have specific standards, however it outlines that gardens should be functional and useable in terms of their width, depth, shape and orientation. The gardens for the dwellings at Plots 1 and 2 would meet the minimum requirement, however the garden sizes are small with a minimal depth which could be argued would not be commensurate with the size of the properties which further contributes to the general intensity and cramped form of development.
- 9.33 In addition to the above, the land to the rear of the application site, including a section of land in the application site, is allocated site HS17 in the emerging Local Plan. That allocated site would form 20 houses. The location of the proposed dwelling at Plot 3 has the potential to undermine the overall layout of that site. Therefore, it is considered that the proposal for the dwelling at Plot 3 would be better suited to come forward as part of site allocation HS17, if adopted.
- 9.34 A variety of different house types are along Great North Road and the proposed dwellings on the site are proposed to be of a more traditional design. The buildings would incorporate traditional forms and pitched roofs.

Materials would be a plain roof tile with a mixture of rendered walls and multi red facing bricks, which could be conditioned. Whilst the properties proposed are not overly reflective of the local vernacular, their appearance would be appropriate for this location and would not be harmful to the character and appearance of the area. Whilst it is entirely subjective, the appearance does achieve a high quality of design.

- 9.35 Overall, the layout, design, scale and bulk of the proposed development, is considered to be of a poor quality and would not adequately respect and relate to the overall character of the established area. Accordingly objections are raised with regard to Policies D1 and D2 of the District Plan, the SDG and the Framework.

3. Neighbouring Amenity

- 9.36 With regard to neighbour amenity, this is considered in two parts, firstly the impact on adjoining occupiers and secondly the impact of the scheme on future occupiers of the proposed dwellings.
- 9.37 Due to the siting and size of the proposed dwellings, they are not considered to impact unduly on light or be overbearing to existing adjoining properties. With regard to privacy, the proposed dwellings at Plots 1 and 2 would only have an oblique view towards the rear gardens of the existing adjoining properties and it is not considered that this would cause such an extent of overlooking to warrant the refusal of the application.
- 9.38 Additionally whilst views towards Nos. 10 and 14 Great North Road would be able to be seen from the proposed dwelling at Plot 3 which is set behind the two dwellings to the front of the site, given the location of this dwelling and the existing ancillary buildings in the neighbouring gardens together with the overall height of that dwelling, it is not considered that the proposed development would cause any undue loss of privacy to warrant a refusal in this regard. However, No.3 The Avenue is a detached property set at right angles to the application site. That property currently looks into the rear garden of the application property as there is minimal boundary treatment. Whilst boundary treatment would be able to obscure the ground floor windows of the proposed dwelling at Plot 3, given the siting of that dwelling and location of habitable first floor windows, the proposed dwelling would have a direct view into the rear garden of that property to an extent that would be detrimental to the residential amenity that they currently enjoy.
- 9.39 With regard to the impact of the scheme on future occupiers of the proposed dwellings, as a result of their siting and location and overall size, a reasonable level of light would be provided and the development would not be unduly overbearing. However, the proposed dwelling at Plot 3 would have a direct view towards the rear gardens and windows of the properties at Plots 1 and 2 and would result in a detrimental loss of privacy to their residential amenity. Whilst the proposed dwelling at Plot 3 would be approximately 21m from the rear of the dwellings at Plots 1 and 2, it is considered that given the overall character, layout and gradient of the area, a further distance would be

required. This results in a poor standard of design which would impact directly on the residential amenity that they should reasonably expect to enjoy.

- 9.40 Policy R19 of the District Plan requires proposals to be refused if the development is likely to generate unacceptable noise or vibration from other land uses. The Council has an obligation therefore to ensure that the development proposed does not suffer from a high level of noise, which is considered particularly important as the site is proposed to be predominantly residential.
- 9.41 The site is located immediately to the south west of the A1 (M) and north of Great North Road which both carry high levels of traffic. As a result it is expected that a noise impact assessment is submitted to accompany the application and outlines that a reasonable level of amenity would be provided for the future occupants of this proposed development. No noise survey has been submitted and therefore the Local Planning Authority are unable to assess if a reasonable level of amenity would be provided.
- 9.42 Additionally the proposed access route serving the dwellings would pass alongside the side elevation of the dwelling at Plot 1, which has habitable rooms closest to that access route, and its rear private garden. This access drive would serve the dwelling at Plot 3 and the garages serving the dwellings at plots 1 and 2. No landscaping has been provided alongside the proposed dwelling at Plot 1 which could help to minimise the noise from traffic using this access road. Landscaping however has been proposed alongside the fence separating the rear garden from the access road which would help mitigate some noise.
- 9.43 Nevertheless, it is considered that the noise and disturbance emanating from the additional vehicles, together with the activity generated by the various people that would visit the occupants of the proposed dwellings would disturb the peace and quiet that the occupiers of this property might reasonably expect to enjoy.
- 9.44 Therefore, overall it is considered that the proposed development would impact detrimentally on the privacy of both the existing occupiers of Nos. 10 and 14 Great North Road and the proposed dwellings at Plots 1 and 2. Furthermore, the noise generated from vehicles accessing the site would be to the detriment of the residential amenity of the future occupants of Plot 1. Additionally there is a lack of information to assess whether a reasonable level of amenity would be provided for all future occupants due to the close proximity of the A1 (M) and Great North Road.
- 9.45 Accordingly the proposed development would result in unreasonable effects on the living conditions of existing and future occupants, contrary to the aims of policies D1 and R19 of the District Plan and the Council's SDG.

4. Highway Safety and Parking Provision

- 9.46 The proposed development would take its vehicle access from Great North Road which would be in the same location as the existing vehicular access

serving this property. The access would serve an additional two properties. The proposal includes an internal layout whereby all vehicles on the site could enter and exit within a forward gear. Adequate visibility would also be able to be provided on site. Accordingly no objections are raised with regard to highway safety.

- 9.47 The proposed dwellings would require three on site parking spaces to be provided in accordance with the Council's adopted parking standards which are set out in Policy M14 of the District Plan and the Council's Supplementary Planning Guidance on Parking Standards. However, the Council has also introduced an Interim Policy on Car parking and Garage Sizes which outlines that the Council has agreed to treat its existing car parking standards as guidelines rather than maximums. This also outlines that garages should be a minimum of 3m x 6m to accommodate a vehicle.
- 9.48 The proposed dwellings would provide three parking spaces for each property in the form of hardstanding and garages. The garages proposed would also measure 3m x 6m in line with the Council's Interim Policy for Garage Sizes. No objections are therefore raised with regard to the above relevant policy.

Other Material Considerations

i) Landscaping

- 9.49 The site is surrounded and covered by vegetation with a large walnut tree located to the front of the site.
- 9.50 No arboricultural information has been supplied with the application. However the proposed houses are positioned such that the walnut tree can be retained. Conditions would need to be attached to any approval to ensure that the health of this tree was protected during the build.
- 9.51 The existing mature hedge along Great North Road would be retained helping to screen the houses from Great North Road. Landscaping is also proposed within the site which would also be able to be conditioned.
- 9.52 Accordingly no objections are raised with regard to policies D1 and D8 of the District Plan which refer to a high quality design and landscaping to be incorporated into new development.

ii) Protected Species and Ecology

- 9.53 The existing site and development is such that there is not a reasonable likelihood of European Protected Species (EPS) being present on site nor would an EPS offence be likely to occur, as defined within the Conservation Regulations. It is therefore not necessary to consider the Conservation Regulations 2010 or (Amendment) Regulations 2012, National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

iii) Refuse

9.54 Bin provision is proposed for each dwelling within the plot with a proposed collection point at the entrance of the site, which can be conditioned. No objections have been raised from Welwyn Hatfield Borough Council Client Services.

iv) Air Quality

9.55 Given the location of the proposed development which is close to the A1 (M) and Great North Road where air quality is likely to be an issue, no air quality impact assessment has been submitted to enable the Local Planning Authority to be able to assess the impact of this development and ensure that a reasonable standard of air quality is provided for future residents, contrary to Policy R18 of the District Plan.

v) Contaminated Land

9.56 Policy R2 of the District Plan outlines that development should only be approved on land that is known to be contaminated where it has been adequately proven that the development or land would not pose an unacceptable risk to public health or the environment. Whilst the existing site comprises of a domestic dwelling, it is likely that this building will contain materials that are hazardous to health. Therefore in the event of an approval it is recommended that a condition requesting a contamination report is attached to any permission.

vi) Drainage

9.57 Environmental Health have raised concerns with the lack of information in relation to drainage provision and that no specific assessment has been made on the impact on the increase in hard standing area and provision to prevent flooding into the groundwater levels in the locality and its likely impact. In this instance, the Local Planning Authority obtain their advice concerning flooding from the Lead Local Flood Authority. Legislation outlines that the Local Planning Authority do not need to consult the Lead Local Flood Authority for applications of this size. Therefore, whilst this concern has been raised by Environmental Health, it is not considered that it is necessary to consider this any further given the size and scale of the proposal.

vii) Emerging Local Plan

9.58 The Council are currently within public examination of the emerging Local Plan, which proposes to change the application site to land within the settlement of Oaklands and Mardley Heath. Additionally the land to the rear of the site, including a section of the rear of the application site, is proposed for Housing under Policy HS17 of that emerging plan. If that plan is adopted and no changes are made to Policy HS17 and the application site, the objection to the principle of the site being in Green Belt will not be relevant. Officers have therefore informed the applicant of this and suggested that the application is withdrawn until the emerging plan is adopted. However, the applicant has requested for the application to be determined. Therefore, whilst this emerging plan is clearly a material consideration where weight

needs to be attached to this, currently the site is within Green Belt and to approve this site on this basis would be pre determining a strategic issue that will be tested at the forthcoming examination of the Local Plan.

10 Conclusion

- 10.1 The site is located on land designated as Metropolitan Green Belt, where the proposed development does not fall within any of the relevant criteria of paragraphs 89 or 90 of the Framework and would constitute inappropriate development, causing harm to the openness and purposes of including land in the Green Belt, which is by definition harmful to the Green Belt. Additionally further harm is caused to the visual amenity of the Green Belt. No very special circumstances appear to exist which outweigh the potential harm of the development to the Green Belt.
- 10.2 The proposed development, by virtue of the layout, design, and bulk would fail to reflect the spacious character of the locality and would represent an over intensive form of development that would appear cramped and would fail to maintain or enhance the character or appearance of the area. Additionally this site has the potential to undermine allocated site HS17 in the emerging local plan.
- 10.3 In addition, the proposed dwelling would have unacceptable effects on the living conditions of existing neighbours and future occupants of the proposed dwellings at Plots 1 and 2 with regard to a loss of privacy. In addition, the proposed vehicular access would create noise and disturbance to the occupants of the proposed dwelling at Plot 1. There is also a lack of information provided to enable an assessment of the proposal with regard to noise and air quality from the A1(M) and Great North Road.
- 10.4 The proposed development would be served by suitable parking provision, and would be acceptable with regard to highway safety. Additionally landscaping and vegetation proposed is acceptable and it is considered that it is unlikely that an EPS offence will occur.

11 Recommendation

- 11.1 It is recommended that planning permission be refused for the following reasons
 1. The proposed development which is located on land designated as Metropolitan Green Belt, would constitute inappropriate development, causing harm to the openness and purposes of including land in the Green Belt, which is by definition harmful to the Green Belt. Additionally further harm is caused to the visual amenities of the Green Belt. No very special circumstances appear to exist which outweigh the potential harm of the development to the Green Belt by reason of inappropriateness, and the other harm identified. Accordingly, the proposal fails to comply with the National Planning Policy Framework 2012 and policies H2, RA10 and D2 of the Welwyn Hatfield District Plan 2005, Policies SADM 1 and SADM

34 of the Draft Local Plan Proposed Submission 2016 and the Council's Supplementary Design Guidance.

2. The proposed development constitutes an undesirable form of development served by the creation of a proposed driveway which would run alongside the south western boundary of the site. The proposed number and layout of new dwellings would represent an over intensive form of development that would appear cramped and would be poorly related to the established form of the area failing to maintain or enhance the character or appearance of the area. Additionally the proposal has the potential to undermine Policy HS17 in the Draft Local Plan Proposed Submission. Accordingly the proposed development fails to comply with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Policy HS17 of the Draft Local Plan Proposed Submission 2016 and the Council's Supplementary Design Guidance.
3. The proposed dwelling at Plot 3, by virtue of its siting and layout would result in a detrimental loss of privacy from first floor habitable windows to the occupants of No. 3 The Avenue and to the proposed dwellings at Plots 1 and 2. This would be detrimental to the residential amenity that these occupiers should reasonably expect to enjoy. Accordingly the proposal is a poor standard of design, contrary to the National Planning Policy Framework and Policy D1 of the Welwyn Hatfield District Plan and the Council's Supplementary Design Guidance.
4. The proposed development constitutes an undesirable form of development which would be served by the creation of a new vehicular drive alongside the south western boundary of the application site. The driveway would serve the dwelling to the rear and the garages serving Plots 1 and 2 and is considered would generate additional vehicular and pedestrian traffic alongside and to the rear of the proposed dwelling at Plot 1. This would result in undue disturbance and noise to the detriment of the residential amenities of the future residents of this property. The proposal would therefore be contrary to the National Planning Policy Framework and Policies D1 and R19 of the Welwyn Hatfield District Plan 2005 and the Council's Supplementary Design Guidance; Statement of Council Policy 2005.
5. The site is located immediately to the south west of the A1 (M) and north of Great North Road. No noise impact assessment or air quality assessment has been submitted to accompany the application to enable the Local Planning Authority to assess whether a reasonable level of amenity would be provided for the future occupants of this proposed development. Accordingly the proposed development is contrary to the National Planning Policy Framework and Policies R18, R19 and D1 of the Welwyn Hatfield District Plan.

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).

REFUSED DRAWING NUMBERS

| Plan Number | Revision Number | Details | Received Date |
|--------------------|------------------------|---|----------------------|
| 12 | A | Plots 1 & 2 - Proposed Plans & Elevations | 29 August 2017 |
| 13 | A | Plot 3 - Proposed Plans & Elevations | 29 August 2017 |
| 11 | A | Proposed Site Plan & Site Section | 29 August 2017 |
| 200 PLAN | | Topographical Survey | 22 August 2017 |
| 10 | A | Location Plan | 29 August 2017 |
| 14 | | Existing Floor Plans & Elevations | |

Sarah Smith, (Planning)
Date 27 September 2017



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

| | | | | | |
|-----------------|--|--|--|--------|--------------------|
| Title: | | 12 Great North Road, Welwyn Garden City | | Scale: | DNS |
| Project: | | DMC Committee | | Date: | 2017 |
| Drawing Number: | | 6/2017/1863/FULL | | Drawn: | Emma Graham |

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