

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 1 FEBRUARY 2018  
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

S6/2014/2003/FP

FLINT COTTAGE, BLACKHORSE LANE, POTTERS BAR, EN6 3NB

ALTERATIONS TO EXTENDED DWELLING TO INCLUDE: REMOVAL OF 5NO. DORMER WINDOWS, REMOVAL OF FIRST FLOOR SIDE EXTENSION, REPLACEMENT OF TWO STOREY FRONT EXTENSION WITH SINGLE STOREY ENTRANCE PORCH AND RETENTION OF SINGLE STOREY REAR EXTENSION

APPLICANT: Mr N Johnson

AGENT: Mr J Allan

(Welham Green and South Hatfield)

## **1 Background**

- 1.1 Members will recall that this application was due to be reported to Development Management Committee on 14 September 2017. The application was deferred following a late representation from Hertfordshire Ecology in order to enable a Bat Assessment to be done. A Bat Assessment was undertaken in November 2017 and a Survey Report and Mitigation Strategy was submitted by the applicant in December 2017. Hertfordshire Ecology was consulted and responded that, subject to conditions over further bat surveys and a mitigation strategy being implemented, the report and mitigation strategy are acceptable and the development would not have an unacceptable impact on Protected Species.
- 1.2 Following the appeal decision from a previous planning decision (ENF/2010/0261) it was decided that this application would seek to negotiate an acceptable scheme for the house and that the issues of the hardstanding area and the garage/outbuilding would be dealt with through subsequent applications.

## **2 Site Description**

- 2.1 The application site comprises Flint House (also known as Flint Cottages), a two storey detached dwelling, and its grounds. The site is in the Green Belt, covers an area of 0.23Ha and includes a block of stables, a large outbuilding a yard area and an area which was previously used as a ménage. The house is oriented to face north. The rear elevation faces south.
- 2.2 The applicants also own a larger wooded area around the application site that covers 1.9Ha. It is located in Hawkshead Wood and Redwell Wood Site of Special Scientific Interest (SSSI). It is accessed by a narrow drive (approximately 740m in length) that runs eastwards then joins another narrow track that leads south to Blackhorse Lane.

- 2.3 Public rights of way run from north to south on the eastern (Ridge 010) and western sides (North Mymms 083) of the application site.
- 2.4 The existing house consists of two cottages which were joined into one house and extended. The existing materials are brick at ground floor, painted render at first floor and tiles on the roof. Some of the extensions have been granted planning permission while some are the subject of an extant Enforcement Notice.

### **3 The Proposal**

- 3.1 The applicants originally appealed the Enforcement Notice mentioned in paragraph 1.4 above. However, the appeal was dismissed (APP/C1950/C/13/2206775) and the Inspector upheld the enforcement notice (Dated 1 April 2014) against breach of Condition 4 of 1994/0260/FP (which had removed Permitted Development Rights). The Inspector expected discussions to take place between the Parties to try to find a solution following the appeal proceedings. It was acknowledged that this may take time. The Inspector also commented that the Council has, under the provisions of s.173A of the 1990 Act, the power to waive or relax any requirement in a notice and may extend any period for compliance.
- 3.2 In this current application, full planning permission is sought for alterations to the extended dwelling to reduce its size to address the unauthorised works:
- Removal of 5 no. dormer windows, retention of one dormer on front to house stairs to roof space;
  - removal of the first floor side extension at west side, replacement with cat slide roof;
  - replacement of the two storey front extension with a single storey entrance porch (10sqm in lieu of 3sqm canopy porch); and
  - retention of enlarged single storey rear extension replacing approved conservatory (50sqm larger);
  - reduce size of floor area in roof (to 68sqm from 78sqm).
- 3.3 The proposals presented were submitted on the advice from officers to submit an application that would purely concentrate on the dwelling and to seek a 'baseline' that was reflective of planning permissions granted at the property.
- 3.4 The enlarged garage building does not comprise part of this application. However, it remains subject to the extant Enforcement Notice.

### **4 Reason for Committee Consideration**

- 4.1 This application is presented to the Development Management Committee because North Mymms Parish Council objects to the proposal.

### **5 Relevant Planning History**

- 4.1 S6/2011/1863/FP – Retrospective planning application to retain first floor side extension, two storey front extension, two dormers to front and rear elevations, 1 dormer to each side elevation, single storey rear extension and detached garage.

Demolition of conservatory and former garage. Retrospective application. Refused. Enforcement notice (ENF/2010/0261) to remove the works was upheld.

- 4.2 ENF/2010/0261 - Planning Enforcement Appeal (APP/C1950/C/13/2206775): The appeal was dismissed and the inspector upheld the enforcement notice (Dated 1 April 2014) against breach of Condition 4 of 1994/0260/FP (which removed PD rights). The notice is extant and requires the demolition of unauthorised extensions and enlargements of the house and removal of any resultant materials (i.e. those generated by compliance with the demolition requirements) from the land.
- 4.3 S6/2007/1232/FP – Change of use from residential to mixed residential / commercial livery – Refused 20 December 2007.
- 4.4 S6/2004/0650/FP – Erection of rear conservatory and front porch – Approved. Implemented. Subsequently the conservatory was enlarged, the height of the roof was raised from approximately 3.1m to 3.8m and a second floor of accommodation with three roof-lights was created. No planning history is evident for these works which took place between 1994 and 2010 when the inside of the house was altered and a staircase installed to provide access to space in the roof.
- 4.5 S6/1997/0345/FP – Erection of stables after demolition of existing outbuildings – Approved.
- 4.6 S6/1994/0264/FP – Two storey and single storey extension (included conversion of two cottages to one dwelling). Approved 10 October 1994. Implemented.
- 4.7 S6/1993/0302/FP – Erection of two storey rear extension and new front porch (in connection with conversion to single dwelling) – Approved 08/07/1993. Not implemented.

## **6 Relevant Planning Policy**

- 6.1 National Planning Policy Framework
- 6.2 Welwyn Hatfield District Plan 2005
- 6.3 Draft Local plan Proposed Submission, August 2016
- 6.4 Supplementary Design Guidance (SDG), February 2005 (Statement of Council Policy)
- 6.5 Supplementary Planning Guidance, Parking Standards, January 2004
- 6.6 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

## **7 Site Designation**

- 7.1 The site lies within the Green Belt, Landscape Character Area 28 (North Mymms Park and Redwell Woods), Watling Chase Forest and Wildlife Site 143 as designated in the Welwyn Hatfield District Plan 2005.
- 7.2 The site is also within SSSI 5 (Redwell Woods). Public Right of Way (PROW) North Mymms 003 runs along the east boundary of the site; 77m to the east of

the house. PROW Ridge 010 runs along the west boundary of the site; 200m west of the house.

## **8 Representations Received**

- 8.1 The application was advertised by means of neighbour notification letters and a site notice. No representations were received.

## **9 Consultations Received**

- 9.1 **North Mymms Green Belt Society** – objected to the proposal as follows:

*“Objects to this proposal as it would result in overdevelopment in the Green Belt. It is a disproportionate increase in the size of the original dwelling and development of this property must comply with Green Belt policies.”*

- 9.2 **Natural England** – responded with an advice note and standing advice to guide impact assessment on the ancient woodland and veteran trees in the SSSI.

- 9.3 **Hertfordshire Biological Records** – Initial response (8<sup>th</sup> September 2017) that the application cannot be determined until information on bats and appropriate mitigation has been submitted to the LPA for approval. Following submission of a survey report and an outline mitigation strategy, withdrew objections subject to condition requiring further emergence surveys and implementation of an appropriate mitigation strategy. Advised that if bats were found to be roosting a Bat (EPS) Licence would be required.

- 9.4 **Herts and Middlesex Wildlife Trust** – no response received

## **10 Town / Parish Council Representations**

- 10.1 The North Mymms Parish Council objected to the application as follows:

*“No square footage is indicated and, as the property is in the Green Belt, given the calculations of area from 1994 and 2004 planning permissions, no excess over the approved area should be allowed. The house still appears to be three storeys high by virtue of the ridge height and dormer windows, all of which is over dominant and out of keeping with the woodland location. It is noted that the property is still subject to the enforcement notice that should have been complied with by 1st October 2014 and along with the reduction of the residential property, the garage is inappropriate development in the Green Belt. Any approval of planning permission, as referred to by the appeal inspector, must impose removal of permitted development rights. In clause 18 of the appeal decision notice (Appeal Ref No APP/C1950/C/13/2206775), the appeal inspector upheld North Mymms Parish Council’s view that the original dwelling is the building that existed within the curtilage prior to 1977 and any subsequent development on this property should be taken into consideration in making the decision. Refer to Development Management Committee if approval is recommended by Officers).”*

## **11 Analysis**

- 11.1 The main planning issues to be considered are:

1. **Principle of development and the impact of the proposal on the openness of the Green Belt (NPPF paras 79-89, Policies GBSP1, GBSP2 and RA3)**
2. **High Quality Design that respects and relates to the character and context of the area, as a minimum maintaining and where possible enhancing or improving the character of the existing area and Landscape Character Area (D1, D2, RA3 and RA10)**
3. **Impact on residential amenity of nearby and neighbouring residential properties (Policy D1, SDG 2005)**
4. **Other material Planning Considerations**
  - (i) **Highway Access and Parking**
  - (ii) **Landscaping and Biodiversity (R16, RA10)**

## 1. Principle and impact on the openness of the Green Belt

11.2 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.

11.3 The National Planning Policy Framework (NPPF) states that the extension or alteration of dwellings is not inappropriate in Green Belts, provided that it does not result in disproportionate additions over and above the size of the original building (para. 89). This advice is reflected in Local Plan Policy RA3 which allows a dwelling to be extended but only providing that it would not result in a disproportionate increase in the size of the dwelling.

11.4 The main issues to consider in terms of Green Belt policy, therefore, are:

- a) Whether the development results in a disproportionate increase in the size of the building in quantitative and qualitative terms; and
- b) If the development is disproportionate and therefore inappropriate, whether there is any additional harm to the openness and purposes of including the land in the Green Belt, and
- c) whether very special circumstances exist that clearly outweigh that harm.

The effect on the character and appearance of the host dwelling and the openness and rural character of the surrounding Green Belt is dealt with in Section 2 of this report.

- a) Proportionality

### Quantitatively

11.5 Permission for extensions to existing dwellings within the Green Belt will only be allowed only where the proposal would not individually or cumulatively result in a disproportionate increase over the size of the original building as it existed in July 1948. Policy RA3 of the Welwyn Hatfield District Plan 2005 echoes this requirement.

11.6 With regard to the house alone, the Enforcement Appeal Inspector considered the original building to be represented by a drawing from 1977 of the pair of semi-detached cottages (known as Flint Cottages). In this drawing:

- the total floor area was 162sqm;
- the roof height, from eaves to ridge, measured 3.1m; and
- the Council calculated that the original pair of cottages had a roof volume of 94.7 cu m;
- the footprint was approx. 95sqm

11.7 Since then, the house has been extended and altered over and above the size of the 'original dwelling house' size as summarised in the table below:

Year	Footprint sq m	Floor area sq m	Roof volume cub m	Roof height m	Ridge length m
1977	95	162	95	3.1	
1994/0264	133	226	141	3.1	6
2004/0650	177	270 (+ 66%)	141 (+50%)	3.1	6
2011/1863 (Refused)	187	390 (+138%)	242 (+150%)	3.8	11
Proposed	187	365 (+106%)	180 (+ 90%)	3.8	8.5

11.8 Works implemented under planning permission Ref No. S6/1994/0264/FP retained the same roof height and increased the floor areas as set out in the table at ground (36sqm) and first floors (28sqm). The conservatory constructed following planning permission reference number S6/2004/0650/FP had a floor area of 44sqm, taking the total floor area to 270sqm.

11.9 The calculations for retrospective application S6/2011/1863/FP include the two storey front porch extension, replacement of the single storey rear conservatory, a first floor (western) side extension and six dormer windows. The roof volume increased considerably due to the combination of an increase in ridge height from 3.1m to 3.8m, lengthening of the ridge from 6m to 11m and installation of six dormers (each approx. 5cubic m in volume), which enabled use of extended loft space as habitable rooms. These additions resulted in a minor increase in footprint. However, the increases in the floor-space (138%) and roof volume of the building (150%) were considered disproportionate and, therefore, inappropriate development in the Green Belt by the Inspector. The Inspector subsequently upheld the Enforcement Notice but expected discussions to take place between the Parties as a result of the appeal proceedings, which, it was acknowledged, may take time. The Inspector commented that the Council has, under the provisions of S.173A of the 1990 Act, the power to waive or relax any requirement in a notice and may extend any period for compliance.

11.10 The current proposal was submitted, following informal discussions between Council Officers and the applicant (including a site visit on 23 June 2014), with a view to finding an appropriate solution to the satisfaction of the Local Planning Authority (LPA). Planning Officers advised that it may be possible to retain some elements of the unauthorised works, subject to complying with national and local planning policy, particularly on Green Belt considerations.

- 11.11 The increase in floor-space since 2004 can be attributed mainly to the creation of rooms in the roof, which was enabled by raising the ridge height by 0.7m and extending the ridge length over a first floor side extension. The existing roof is 147cubicm (150%) larger than the original roof and 101cubicm larger than the authorised roof.
- 11.12 In the current proposal the roof volume would be reduced down to 85cubicm (90%) over the original roof volume and 39cubicm (30%) over authorised roof volume. Quantitatively, the current proposal would represent a reduction in the existing unauthorised roof volume. However, it would still be a disproportionate cumulative increase in the size of the roof over the original.
- 11.13 The current proposal would not substantially increase the footprint of the building over that already granted planning permission (10sqm). It would retain the ridge height, remove five of the six dormers and reduce the ridge length by 2.5m. The two-storey entrance porch would also be removed and replaced with a single storey porch.
- 11.14 Nevertheless, as the Inspector commented, on a mathematical calculation alone the cumulative extensions to the original building are disproportionate. The reductions proposed in the current application would result in an increase in floor-space of 106% over the original building and a roof volume increase of 90%.
- 11.15 However, in addition to mathematical calculations the visual impact of the extensions has to be considered. This approach is reflected in Saved Policy RA3 of the Welwyn Hatfield District Plan 2005, which seeks to ensure that extensions to existing dwellings in the Green Belt are not disproportionate in appearance in terms of prominence, size, bulk and design. This aspect of the development is considered below. The Policies also seek to ensure that extensions do not adversely impact on the character and appearance of the surrounding countryside. Issues of Character and Appearance are dealt with under the design section of this report, including the open and rural character of the Green Belt.

#### Qualitatively

- 11.16 The appeal Inspector was concerned with
- i) the height and volume of the house having the appearance of three storeys,
  - ii) the double height front projection of the porch and
  - iii) the width and solid nature of the ground floor rear extension.
- 11.17 In the Inspector's opinion, these elements appeared to be visually disproportionate and unnecessarily bulky. The Enforcement Appeal to retain them was dismissed because their bulk and scale were considered to constitute inappropriate development.
- 11.18 The current proposal aims to address these concerns. In terms of the first element it would remove five of the six dormers: two on the rear elevation, one on the front elevation and one on each end of the roof would be removed. The remaining dormer window would provide a staircase up to the internal roof space. This dormer is designed with a hipped roof to minimise its bulk and prominence. While the removal of dormers would have a minor effect on the quantitative roof volume and floor-space it would considerably reduce the bulk, mass and angularity of the roof, particularly when viewed from the bridleway to the east.

- 11.19 Similarly, the reduction of the porch to a single-storey with mono-pitch roof on the front elevation would noticeably reduce the amount of glazing and lessen the urban character of the front elevation. This aspect is not visible from the Bridleway to the east but the existing porch has an imposing presence and adversely affects the proportions of the house when seen from the front courtyard. The proposed alterations would have a positive impact on the appearance of the house and reduce its urban character making it appear far less bulky and more suited to its rural location.
- 11.20 The length of the ridge would also be reduced and a cat-slide roof introduced on the western end of the building. Again, these alterations would not affect views from the Bridleway to the east but would be visible from the driveway when approaching from the west and from the front courtyard. The width of the building at first and second floors would be reduced from the existing. The increases in floor-space over the permitted building at 2004 would consequently be achieved through a fairly minor increase in roof height from 8.3m to 9m and a fairly modest alteration to the roof shape, compared to the unauthorised alterations installed before 2014.
- 11.21 By reducing the width of the house at first and second floor levels and removing all but one dormer, the proposed amendment makes a reduction in the appearance of the height of the building, which, when considered alongside the other amendments set out above, would make a satisfactory reduction to the overall mass and bulk of the upper floors of the house.
- 11.22 With regard to the ground floor rear extension, this is on the rear of the property and projects into the private rear garden. It is set in from the side elevations of the house by approximately 3.5m on each side. While the elevations contain a substantial amount of glazing those elements are screened from view by the main house. In addition, the rear garden is surrounded by a wall, approximately 2m high. Thus the glazing is not prominent from within the site or from the approach from the west or the footpath to the east. The floor-space is no greater than the conservatory that it replaced. The main difference is the roof, a flat, mock-pitched, tiled roof (3.7m high) which replaces a mono-pitched glazed conservatory roof (also 3.7m high). The different materials appear more substantial and as a result this roof may be seen from 70m away at the Bridleway to the east. While on its own it does not appear unduly prominent in its setting, when taken together with the other extensions the cumulative impact results in a more prominent building.

### Conclusion

- 11.23 Numerically the proposed extensions, even while they are reductions from the existing situation, are considered excessive. Taking into account the cumulative impact on the bulk and volume, the proposed alterations would, on balance, result in disproportionate increase in the size over and above the original dwelling. The proposed extensions would, therefore, have a harmful effect on the openness of the Green Belt over and above the situation at 2004 and are considered to be inappropriate development in the Green Belt.

### *b) Openness and Purposes of Including Land In the Green Belt*

- 11.24 Paragraph 89 of the NPPF sets out that certain forms of development on previously developed sites may not be inappropriate in the Green Belt provided



they preserve the openness and do not conflict with the purposes of including land within the Green Belt.

- 11.25 With regard to openness, the proposed works to Flint House would reduce the prominence and remove the urban style of the building by removing five of the six dormers, removing the first and second floors of the porch and reducing the bulk of the roof on the west end by altering it to a cat-side. This latter element, while not an original feature of the site, is reflective of the Arts and Crafts cottage style of houses found in urban-edge and rural contexts across Hertfordshire. The proposals would become subservient to the building as it was in permitted in 2004, when taken individually and when considered together. The reduction of the bulk of the roof would result in the site appearing less developed, prevent the building appearing cramped within its site and assist in retaining a spacing appropriate to the woodland setting. As such the proposed works to the building would not impact significantly on the openness of the Green Belt.
- 11.26 With regard to the the purposes of including land within the Green Belt, there are five and they are set out in paragraph 80 of the NPPF. The relevant one in this case is “to assist in safeguarding the countryside from encroachment”. The proposal does not involve the creation of any new residential units, construction of any new buildings or any change of use. As such, the proposals would be unlikely to result in encroachment of the countryside and would not be considered inappropriate in this regard.

*c) Very special circumstances*

- 11.27 Officers find that the development is inappropriate development. The applicant puts forward a number of matters to weigh in the Green Belt balance. The NPPF (paragraph 87) allows consideration of any material considerations which would clearly outweigh harm to the openness of the Green Belt and harm to the character of the surrounding area, to justifying approval on the basis of very special circumstances.
- 11.28 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 constitutes a very special circumstance or it may be that a number of circumstances may cumulatively amount to very special circumstances. In this case the circumstances to consider are the Inspector’s decision notice and a letter from the Applicants.
- 11.29 The applicant’s agent submitted a letter to the Head of Planning (dated 9 September 2014) outlining the justification to the proposals and detailing the design reasoning of the alterations. Whilst some of the highlighted design justification and revisions would improve the resultant appearance of the dwelling, they are not considered to constitute “very special circumstances” that would outweigh any harm to the Green Belt.
- 11.30 The Inspector’s decision letter from the Enforcement Appeal against breach of Condition 4 on 1994/0260/FP (removal of Permitted Development Rights) made clear that they expected discussions to take place between the Parties to try to find a solution following the appeal proceedings. This letter is considered to constitute “very special circumstances” and to give guidance on how the situation should be progressed. It places the onus on the Council and the applicant to make efforts to resolve the situation and to find a mutually acceptable solution.

- 11.31 The Inspector identified those aspects of the unlawful development that were considered to conflict with Green Belt Policy (see paragraph 10.16 above). The current proposal represents a significant reduction in the bulk and volume of the building over the existing situation. It addresses those aspects of the unlawful works that the Inspector considered were visually disproportionate and unnecessarily bulky at first floor and roof levels. The proposal does not involve amendments to the single storey rear extension. However, this is partially screened by the garden wall and built upon the foundations of a previously approved structure. As such the Inspector's concerns are considered, in the main, to have been met by the current proposals.
- 11.32 The Inspector also commented that the Council has (s.173A of the 1990 Act) the power to waive or relax any requirement in an enforcement notice and may extend any period for compliance. That these powers were identified suggests that the Inspector expected them to be made use of. With regard to the main house, the Council has made use of those powers with a view to reaching an acceptable compromise.

### Green Belt Conclusion

- 11.33 The existing building is considered to represent an excessive addition over and above the size of the original dwelling house in quantitative terms. The current proposals to reduce the bulk of key elements of the building would still constitute disproportionate cumulative extensions to the property such that they are inappropriate development and cause harm to the Green Belt.
- 11.34 However, the proposals would not create new residential units or new buildings or involve a change of use and so would not significantly impact on the openness of the Green Belt or conflict with the purposes of including land within the Green Belt when compared with the building as previously extended under planning permissions S6/1994/0264 and S6/2004/0650/FP.
- 11.35 The current proposals are considered to constitute disproportionate and, therefore, inappropriate development. However the Inspector's decision letter from the Enforcement Appeal against breach of Condition 4 on 1994/0260/FP (removal of Permitted Development Rights) is considered to constitute "very special circumstances that outweigh the harm to the Green Belt". This letter made clear that discussions should take place between the Parties (the applicant and Council) to try to find a solution following the appeal proceedings. The specific concerns related to appearance of height, bulk and volume of the building and the proposal has been assessed as addressing these issues to a satisfactory degree. The proposal is, therefore, considered acceptable under Section 7 of the NPPF and saved policies GBSP1, GBSP2 and RA3 of the adopted Welwyn Hatfield District Plan 2005.

## **2. High Quality Design and Impact on character and Appearance of Area**

- 11.36 The National Planning Policy Framework (para.56) emphasises that high quality design is a core principle of planning and attaches great importance to design. Policies D1 and D2 of the adopted Welwyn Hatfield District Plan seek to provide a good standard of design in all new development and require that all new development respects and relates to the character and context of the area in which it is to be sited. The policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires that residential

extensions should be complementary in design and subordinate in size and scale to the existing dwelling.

- 11.37 Furthermore, the NPPF, in 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. The NPPF, in paragraph 79, identifies that the essential characteristics of Green Belts are their openness and their permanence. The NPPF requires development in the Green Belt to preserve that openness and a loss of openness in the Green Belt resulting from the extensions to the dwelling-house would harm this essential characteristic. While there is no definition of openness in the Framework, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development.
- 11.38 Part (ii) of Policy RA3 of the Welwyn Hatfield District Plan requires proposals for extensions to dwellings in the Green Belt not to have an adverse visual impact (in terms of prominence, size, bulk and design) on the character, appearance and pattern of development of the surrounding countryside. Policy RA3 requires extensions to not make a property more prominent or visually intrusive in its setting. Saved Policy RA10 expects development in the rural areas to contribute to the enhancement of the local landscape character of the area in which it is located.
- 11.39 The impact of a development is, therefore, assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and the surrounding area.

#### Character – Landscape and Openness

- 11.40 The site sits within the North Mymms and Redwell Woods Landscape Character Area (NMRWLCA), which comprises woodlands on the slopes and crown of a pronounced ridge. The key characteristics of the NMRWLCA are pastoral parkland with mature trees and extensive woodlands. The woods are ancient and cloak the horizon of the elevated ridge, covering and enclosing the application site and giving it a sense of confinement. There are rights of way across the woods including bridleways as described above. In addition, part of the woods and the whole of the application site are within SSSI (Redwell Woods). Biodiversity considerations are in the Landscape and Biodiversity Section (4(ii) below).
- 11.41 The site is in a secluded and wooded location and sits in a clearing together with single-storey outbuildings. The site is accessed from the bridleway and track that run along the west boundary. The building cannot easily be seen from the track although its outline can be glimpsed. The driveway track from the bridleway to the house is a private one and it is only when going along the drive that the house becomes fully visible. There is another bridleway along the east boundary, 70m east of the house (North Mymms 003). The house can be seen across what was once a paddock containing a few mature trees. The alterations and extensions to the house have resulted in the creation of a large dwelling, which is prominent in the clearing and visible from outside the site on the Bridleway NM003. The increased bulk of the roof has made the building more intrusive when seen from this publically accessible viewpoint.
- 11.42 While not of exactly the same architectural vernacular, Oak Lodge and the other houses on Blackhorse Lane to the south sit low in the landscape and retain a

rural character in terms of their style (pitched roofs), materials (weathered brick and tile) and spacing within the residential curtilage.

- 11.43 The proposed works to Flint House would reduce the prominence and remove the urban style of the building by removing five of the six dormers, removing the first and second floors of the porch and reducing the bulk of the roof on the west end by altering it to a cat-side. This latter element, while not an original feature of the site, is reflective of the Arts and Crafts cottage style of houses found in urban-edge and rural contexts across Hertfordshire. The proposals would become subservient to the building as it was in permitted in 2004, when taken individually and when considered together. The reduction of the bulk of the roof would result in the site appearing less developed, prevent the building appearing cramped within its site and assist in retaining a spacing appropriate to the woodland setting.

#### Materials and Design

- 11.44 The clay tiles on the roof of the main part of the dwelling would be used on the cat-slide roof. The use of bricks and tiles to match the existing house is appropriate to both the building and the setting. The introduction of painted render at first floor appears to have occurred between 2004 and 2014. The extent of rendered wall would be reduced by the removal of the first floor side extension and its replacement with a cat-slide roof. The retention of the remaining render of the first floor walls is not considered sufficient reason to withhold planning permission.
- 11.45 In terms of the roof shape, the retained dormer would provide headroom to the stair up to rooms in the roof space and break up the expanse of the front plane of the roof, while remaining subservient to the scale of the roof.
- 11.46 The first floor side extension to the right hand (west) end of the dwelling would be removed. The ridge of the roof would be reduced and the hip end changed to a cat-slide down to a low eaves level.
- 11.47 The single-storey rear extension would replace a conservatory that was built following the 2004 permission. The walls would reuse the dwarf wall to the original conservatory and be built of brick with a mock-pitched roof. The whole to be finished in materials to match the existing house.
- 11.48 The Applicants submitted a letter in support of the proposals setting out that the proposal seeks to resemble the building as it was in 2010. The applicant feels that the exceptions have been explained, and would not seriously impact upon the appearance of the building or the character or appearance of the area.
- 11.49 Given the design and site context and taking account of the above assessment, the development is, on balance, considered acceptable in terms of the requirements of the NPPF, saved policies RA3, RA10, D1 and D2 of the adopted Welwyn Hatfield District Plan 2005 and the adopted Supplementary Design Guide 2005.

### **3. Impact on the residential amenity of nearby and neighbouring properties**

- 11.50 Policy D1 and the Supplementary Design Guidance state that developments should not adversely affect the living conditions of neighbouring occupiers. The SDG (paragraph 5.2 part iii) states that extensions should not cause loss of light or be unduly dominant from adjoining properties. In addition, paragraph 5.7

states that new extensions should be designed, orientated and positioned so as to minimise overlooking between dwellings. 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.

- 11.51 Given that neighbouring dwellings are some distance from the site, it is considered that the bulk, mass and positioning of the proposal would not result in any levels of overbearing or overshadowing to the amenity of any neighbouring dwelling and that the works would not introduce significant harm to neighbouring amenity, in terms of overlooking, overshadowing and overbearing impact. The development, therefore, would not be in contradiction with saved policy D1, the supplementary design guidance or the relevant paragraphs of the NPPF.

#### **4. Other material planning considerations**

##### **(i) Highways and Parking**

- 11.52 The current proposal relates to the house and not the outbuildings on the site. The property has the benefit of existing vehicle access from Blackhorse Lane and there is garaging on the site. The reduction in size of the house does not raise additional access or parking issues.

##### **(ii) Landscaping and Biodiversity**

- 11.53 In addition, Policy R13 of the Welwyn Hatfield District Plan 2005 requires development in or close to SSSI's to undergo special scrutiny. Where development is permitted conditions may be used to ensure the protection and enhancement of the site's nature conservation interest. Policy R16 states that planning permission will not be granted for developments that impact adversely on protected species and that conditions will be imposed to ensure the protection of such species.
- 11.54 The application site is in a residential enclave within the Redwell Wood SSSI; a 52 Hectare area comprising ancient woodland (Pendunculate Oak and Hornbeam) with heathland with scrub. Secondary woodland includes ash, beech, aspen, hazel, elder and hawthorn. Undergrowth includes bluebells, nightshade, honeysuckle, sage, foxglove and ancient wood species. The heath cover includes heather and creeping willow.
- 11.55 The recommended strategy for the Landscape Character Area (NMRWLCA) and the SSSI is to promote appropriate woodland management for existing woodlands, including replacement of soft wood with indigenous native deciduous communities and to maintain local patterns of species diversity within woodlands. In the SSSI Natural England aims to prevent storage of materials and removal or cutting of any plant.
- 11.56 The proposed development would be within the residential enclave of Flint House, which is within the SSSI. No new accesses would be created and no trees or surrounding woodlands would be affected. Natural England (NE) was consulted and provided standing advice to guide assessment of the proposal's impact on the SSSI and the ancient woodland and veteran trees within it. The standing advice recommends that a distance of 15 m be maintained between the development and the woodland. The house is over 15m distance from each boundary of the enclave so meets this requirement. NE also advise that the root protection zones of the trees adjacent to the site be protected from the storage of materials and vehicles that may leach into or compact the soil. Consequently, it

is recommended that a tree protection plan be secured prior to implementation of the development. This can be secured by a condition on planning permission.

- 11.57 NE also request best practice with regard to air quality during construction so that dust and other materials do not interfere with the natural processes such as photosynthesis. An informative can be added to this effect.
- 11.58 In addition, following a Bat Assessment by Jones and Sons Environmental Services Ltd (December 2017), the site is considered to have a high potential to support roosting bats with clear evidence of pipistrelle bats in the vicinity. The report recommended three follow-up surveys (dusk emergence and dawn re-entry) and appropriate mitigation to safeguard bats if present and affected by the development. Until the follow-up surveys are undertaken the appropriate mitigation strategy remains in outline. However, Herts Ecology have commented that the outline mitigation strategy would deal with the presence of roosting bats, minimise potential impacts and ensure the population is maintained. They were satisfied that the Council's obligations under the Conservation of Habitats and Species Regulations 2017 could be satisfied by imposing a condition upon any approval of planning permission. Such condition should require three dusk emergence/dawn re-entry surveys (May to September) and the outline strategy modified and submitted in writing to the LPA for approval and implemented as approved. It is recommended, therefore, that a condition to this effect is included in the planning decision.
- 11.59 Subject to conditions over the storage of materials and vehicles within the residential curtilage, tree protection, removal of demolition materials from the site and bat surveys and mitigation measures, the proposal is acceptable in terms of its impact on the SSSI, the LCA and European Protected Species (bats).

### **Conditions**

- 11.60 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.
- 11.61 Planning permission S6/1994/0264/FP included conversion of two cottages to one dwelling. This was approved subject to the following conditions, which were considered necessary and reasonable due to the sensitive nature of the site within SSSI5, the Green Belt and the Landscape Character Area 28:
- 2. Any materials, vehicles or waste associated with the development shall only be stored or parked within the existing open part of the site and not in the adjoining woodland forming part of the Site of Special Scientific Interest.*
  - 3. Any surplus or waste material arising from the development shall be removed from the site within one month immediately following the completion of the development.*

*4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1988 (or any Order revoking or re-enacting that Order) the provisions of Part 1, Classes A, E and F and Part 2, Class B of Schedule 2 to that Order shall not apply to any dwelling constructed as part of this consent.*

This latter condition is extant and does not need to be reapplied. However, conditions 2 and 3 are considered relevant and necessary to the current proposal.

11.62 Therefore, in this case it is considered reasonable and necessary to impose conditions over the following: implementation in accordance with the approved plans and details, use of materials to match the existing building, storage of materials within the existing open part of the site away from the woodland and SSSI, a tree protection plan, the removal of surplus material from the site and further bat surveys and a mitigation strategy.

### **Conclusion**

11.63 The impacts of the proposal have been considered in terms of whether the extensions to the dwelling-house are disproportionate and represent inappropriate development in the Green Belt for the purposes of the NPPF and the Development Plan.

11.64 The proposal has gone some considerable way to overcome the concerns of the Inspector in respect of the impact in the Green Belt. While the proposal would result in a building excessively extended, in quantitative terms, to the building at July 1948, the design is such that it would not appear disproportionate in terms of the bulk and volume when compared to the house as permitted under previous planning permissions (S6/1994/0264 and S6/2004/0650/FP). It is considered, on balance and taking into account the history of the site, that the proposed alterations would not be disproportionate and, therefore, not inappropriate in the Green Belt setting. As such the proposal does not need to be assessed in terms of the openness of the Green Belt, the purpose of including land within the Green Belt and very special circumstances.

11.65 The impact of the proposed development has been assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the character and appearance of the existing building and surrounding area and with the openness of the Green Belt. It has been found, on balance, to be acceptable in terms of the requirements of the NPPF, saved policies RA3, RA10, D1 and D2 of the adopted Welwyn Hatfield District Plan 2005 and the adopted Supplementary Design Guide 2005.

11.66 The proposal would not adversely impact upon the living conditions of neighbouring occupiers and would be in compliance in this respect with saved policy D1, the Supplementary Design Guidance 2005 and the relevant paragraphs of the NPPF. In addition, the proposal would not give rise to adverse traffic or parking conditions.

11.67 Subject to the conditions identified in paragraph 10.50 above, the proposal is acceptable in terms of its impact on the SSSI and the Landscape Character Area, further to policies R13 and RA10 of the Welwyn Hatfield District Plan 2005.

11.68 Notwithstanding the extant Enforcement Notice (ENF/2010/0261) the current proposals overcome that harm and the application is recommended for approval subject to the conditions set out below:

## **12. Recommendation**

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

1. The development hereby permitted shall be completed in accordance with the approved plans before the expiration of twelve months from the date of this permission.

REASON: To ensure the satisfactory implementation of the development and to minimise the intrusion into the Green Belt further to Policies of the National Planning Policy Framework and Policies GBSP1 and RA3 of the Welwyn Hatfield District Plan 2005.

2. The brickwork, roof tile, bond, mortar, detailing, guttering, soffits and other external decorations of the approved extension/alterations must match the existing dwelling/building in relation to colour and texture.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. Any materials, vehicles or waste associated with the development shall only be stored or parked within the existing open part of the application site and not in the adjoining woodland forming part of the Site of Special Scientific Interest.

REASON: In order to minimise any damage or disturbance to the Site of Special Scientific Interest further to Policies of the National Planning Policy Framework and Policies R13 and RA10 of the Welwyn Hatfield District Plan 2005.

4. Prior to the commencement of the development hereby permitted and within two months of the granting of this permission a scheme for the protection of trees and shrubs on land around the application site and within the SSSI woodland shall be submitted to and approved in writing by the Local Planning Authority. The tree protection scheme shall be implemented in accordance with the approved details.

The Tree Protection Scheme shall include the following:

(a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be pruned other than in accordance with the approved plans and particulars. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 (Tree Work).

(b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree



or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details to be approved in writing by the Local Planning Authority to comply with the recommendation of British Standard 5837:2012 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition, retained tree or shrub, means an existing tree or shrub, as the case may be, which is located within the Redwell Woods SSSI around the application site. Paragraphs (a) and (b) above shall have effect until the expiration of [five years] from [the date of the occupation of the building for its permitted use].

REASON: To protect the existing trees, shrubs and hedgerows in the Redwell Woods SSSI in the interest of protecting biodiversity and visual amenity in accordance with Policies R13 and D8 of the Welwyn Hatfield District Plan 2005.

5. Any surplus or waste material arising from the development shall be removed from the site within one month immediately following the completion of the development hereby permitted.

REASON: In order to minimise the visual intrusion in the Green Belt and to minimise disturbance in the Site of Special Scientific Interest further to Policies of the National Planning Policy Framework and Policies GBSP1, GBSP2, R13, RA3 and RA10 of the Welwyn Hatfield District Plan 2005.

6. No development shall take place until three dusk emergence /dawn re-emergence surveys have been undertaken during the period of May to September (with at least one survey in June/July) in accordance with the Bat Assessment Report (Jones and Sons Environmental Services Ltd, 20th December 2017, Section F) to determine whether bats are roosting within the application site. Should roosting bats be found on the site the outline bat mitigation strategy in Section G of the Bat Assessment Report shall be modified as appropriate based on the survey results and be submitted and approved in writing by the Local Planning Authority prior to commencement of development. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and National

Legislation and in accordance with Policy R16 of the Welwyn Hatfield District Plan 2005.

## 7. DRAWING NUMBERS

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
FC 04		2014 2003 existing plans FC04	9 September 2014
FC 05		2014 2003 existing roof space plan FC05	9 September 2014
FC 06		2014 2003 existing elevations	9 September 2014
		2014 2003 Site Location Plan	9 September 2014
FC 02	A	2014 2003 proposed plans	9 September 2014
FC 06	A	2014 2003 proposed elevations	9 September 2014

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

### **Summary of reasons for grant of permission**

The decision has also 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 inspected at these offices).

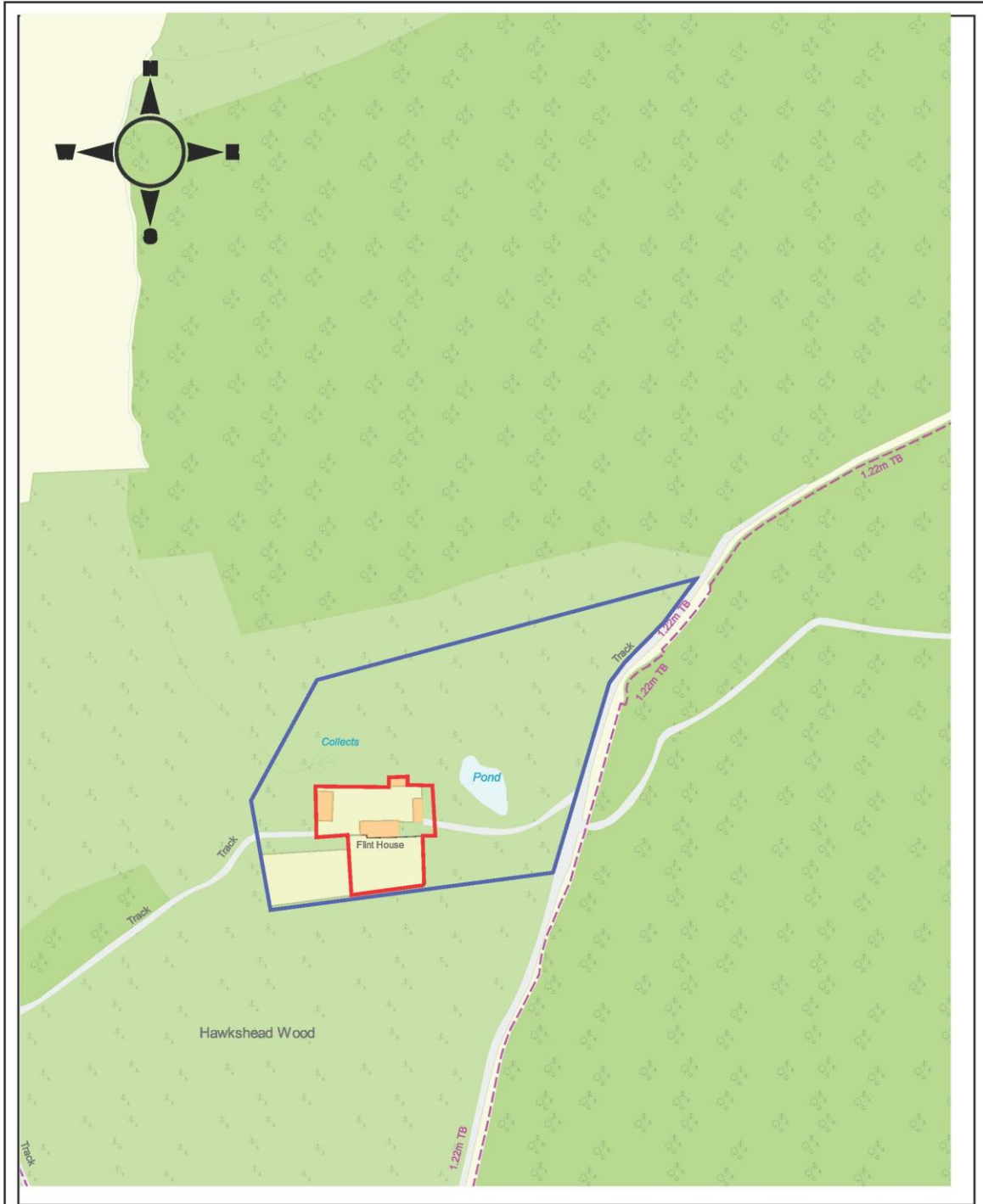
### Informatives

1. This decision notice does not apply to the garage/outbuilding, which is a separate matter and subject to the extant enforcement notice.
2. Best practice measures should be deployed during construction to minimise the likelihood of dust and other airborne pollutants, which in excess can smother leaves and hinder normal photosynthetic functioning of plants.
3. During the construction phase, surface water drainage must be directed away from the SSSI and care should be taken to ensure that contamination and pollutants do not enter drainage ditches which feed into the SSSI. Foul drainage must be to a sewer. Additional advice may be needed from Natural England if alternative arrangements are proposed.

4. If bats are found to be roosting at the site, suitable mitigation measures must be carried out under the legal constraints of a European Protected Species (EPS) licence obtained from Natural England.

*June Pagdin*, (Planning)

Date: 29.12.2017



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

Title: Flint Cottage Blackhorse Lane Potters Bar

Scale: DNS

Date: 2017

Project: DMC Committee

Drawing Number:  
6/2014/2003/FP

Drawn: Baras Mast-Ingle

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