

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 16 AUGUST 2018  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2018/0931/HOUSE

SAWMILL COTTAGE WATEREND LANE AYOT ST PETER WELWYN AL6 9BB

ERECTION OF A FIRST FLOOR SIDE EXTENSION TO INCLUDE THREE DORMER  
WINDOWS

APPLICANT: Mrs C Hunt

(Welwyn West)

**1 Site Description**

- 1.1 Sawmill Cottage is the left hand side of a pair of two storey semi-detached properties in a small enclave of dwellings within the Green Belt and outside any defined built up area.
- 1.2 The dwelling has previously been extended, including a single storey side extension with a flat roof partly disguised by low half hips around the three outer sides, and the erection of a double garage and fitness room.
- 1.3 The site has several trees which are protected by Tree Preservation Orders.

**2 The Proposal**

- 2.1 The applicant seeks planning permission to erect a first floor side extension with the inclusion of three dormer windows. This also includes the removal of a chimney breast.
- 2.2 The proposed first floor extension would be used as a fitness/massage room.

**3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because Councillor Kingsbury has called-in the application:

*“I would like to call in this application if the officer is minded to refuse it, on the basis that the development is in keeping with, and improves the character of the existing building. The property is set back from a quiet road and the development does not in my opinion impact on the openness of the green belt. The additional space also supports growth of an existing business at the property, supporting the local economy.”*

**4 Relevant Planning History**

- 4.1 Application Number: N6/1980/0548/  
Decision: Granted  
Decision Date: 29 August 1980  
Proposal: Single storey extension
- 4.2 Application Number: N6/1998/1063/FP  
Decision: Granted  
Decision Date: 11 January 1999  
Proposal: Double garage and fitness room
- 4.3 Application Number: N6/2009/0604/FP  
Decision: Refused  
Decision Date: 12 June 2009  
Proposal: Erection of first floor extension and alterations
- 4.4 Application Number: N6/2009/1068/FP  
Decision: Refused  
Decision Date: 26 August 2009  
Proposal: Erection of single storey detached garage
- 4.5 Application Number: N6/2009/1870/FP  
Decision: Granted  
Decision Date: 30 October 2009  
Proposal: Erection of single storey double garage
- 4.6 Reason for refusal:  
*'The proposal represents a disproportionate addition to the original dwelling house and is therefore inappropriate development within the Green Belt. In addition, the impact of the proposal would have a detrimental impact on the openness. The Local Planning Authority do not consider that very special circumstances exist which outweigh the harm, by reason of inappropriateness and the harm to the openness of the Green Belt. The proposal is therefore contrary to the National Planning Policy Framework, Policy RA3 of the Welwyn Hatfield District Plan, and the Supplementary Design Guidance, Statement of Council Policy, 2005 and Policy SADM 34 of the Draft Local Plan Proposed Submission 2016.'*
- 4.7 An application for a similar first floor side extension (ref: N6/2009/0604/FP) was appealed and dismissed (see Appendix 1) with the Inspectorate concluding that:
- 4.8 *'It is also contended that the extension would enhance the character and appearance of the property. I do not dispute that the extension would sit comfortably above the existing single story extension and that the resulting roof profile would be more in keeping with that of the original house. However I do not consider the existing appearance of the dwelling to be so damaging as to justify inappropriate in the Green Belt.'*
- 4.9 *In conclusion I do not consider that the above considerations either alone or in combination is sufficient to clearly outweigh the harm to the Green Belt by way of inappropriate development and loss of openness. Therefore the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist in this case.'*

## **5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework 2018 (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (Local Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan 2016)
- 5.4 Supplementary Design Guidance 2005 (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

## **6 Site Designation**

- 6.1 The site lies within the Metropolitan Green Belt, the Ayot St Peter Wooded Upland Landscape Character Area and Brocket Park North as designated in the Welwyn Hatfield District Plan 2005.

## **7 Representations Received**

- 7.1 The application was advertised by means of site notice, press notice and neighbour notification letters. Three representations have been received from the occupiers at Holly Tree Cottage, Crackendell Cottage and The Sawmill 27 Ayot Green, which may be summarised as:

- No objection;
- The rear window on the ground is not in keeping with the other small dormer windows on the host dwelling or adjacent properties. It was noted that this should not constitute as an objection to the overall plan.

- 7.2 **Councillor Kingsbury** – call-in stated as follows:

- 7.3 *“I would like to call in this application if the officer is minded to refuse it, on the basis that the development is in keeping with, and improves the character of the existing building. The property is set back from a quiet road and the development does not in my opinion impact on the openness of the green belt. The additional space also supports growth of an existing business at the property, supporting the local economy.”*

## **8 Consultations Received**

- 8.1 Welwyn Hatfield Borough Council Landscape Department do not object subject to conditions.
- 8.2 No response has been received from the following consultees. Comments were due by 28<sup>th</sup> June:
  - Herts & Middlesex Bat Group
  - Herts & Middlesex Wildlife Trust
  - Herts Biological Records Centre

## 9 Background

- 9.1 A similar development was proposed in 2009 for the erection of first floor extension and alterations. The planning application referenced: N6/2009/0604/FP, was refused for the following reason:

*'The proposal by virtue of its size and scale, would, when considered with the cumulative amount of previous extensions to the property, result in a disproportionate increase that would fail to appear as a limited extension to the dwelling. The proposal is therefore inappropriate development within the Green Belt and the applicant has failed to improve to the satisfaction of the Local Planning Authority, that the harm, by reason of its inappropriateness is outweighed by other considerations. Furthermore, the combination of the half hipped roof form, high side eaves and overall width of the extension is considered would give rise to a bulky and overly prominent extension which would have an adverse visual impact on the Green Belt. The proposal is therefore contrary to PPG2 and Policy RA3 of the Welwyn Hatfield District Plan 2005.'*

- 9.2 This application was appealed and dismissed by the Planning Inspectorate (Appendix 1) who considered the proposed development to be a disproportionate increase in the size of the dwelling and, as such, concluded that the proposal would constitute inappropriate development in the Green Belt, contrary to District Plan policy RA3 and PPG2.
- 9.3 Whilst it is noted that the Planning Policy Guidance is now outdated, weight can still be given to Policy RA3 within the District Plan. Whilst the National Planning Policy Framework has replaced the PPG very special circumstances necessary to justify inappropriate development are required in both national policies.

## 10 Analysis

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

1. **Principle of Development within the Green Belt** (NPPF; Policies RA3, D1, D2, GBSP1 of the District Plan; Policy SADM34 of the Emerging Local Plan)
2. **Quality of design and impact on the character and appearance of the area** (NPPF; Policies D1, D2, D8, GBSP2 of the District Plan; Policy SP9 of the Emerging Local Plan)
3. **Impact on the living conditions of neighbouring occupiers and future occupiers** (NPPF; Policy D1 and SDG of the Local Plan; Policy SADM11 of the Emerging Local Plan)
4. **Impact of Development upon the Landscape Character** (Policy SADM16 of the Emerging Local Plan)
5. **Impact of Development upon the Wildlife Site Policy** (Policy R15 of the District Plan)

### **1. Principle of Development within the Green Belt**

Whether the proposed development constitutes inappropriate development

- 10.2 The NPPF accepts that within the Green Belt the construction of new buildings should be regarded as inappropriate development. Exceptions to this are listed in paragraph 145. One exception being that the extension or alteration of a building

provided that it does not result in disproportionate additions over and above the size of the original building. Local adopted policy GBSP1 and RA3 also share this main aim, along with policy SADM34 of the Draft Local Plan. Policy also includes the erection of ancillary outbuildings to residential dwellings to ensure the curtilage of dwellings maintain the openness of the green belt.

- 10.3 Policy RA3 states that permissions for extensions to existing dwellings within the Green Belt will be allowed only where all the following criteria are met:
- i) The proposal would not individually or when considered with existing or approved extensions to the original dwelling, result in a disproportionate increase in the size of the dwelling;
  - ii) It would not have adverse visual impact on the character, appearance and pattern of development of the surrounding countryside.
- 10.4 Regarding criteria (i) the original dwelling house has a floor space approximately 107.7m<sup>2</sup>. The property has had extensions that result in a cumulative increase in the floor area of the property of 34.7m<sup>2</sup>. The dwelling has been extended over time resulting in a cumulative increase in the footprint of 32%.
- 10.5 Policy RA3 also covers those outbuildings of a size and scale that require planning permission, such as the previously approved and subsequently erected garage. This is due to the curtilages of dwellings having an important role in maintaining the openness of the Green Belt.
- 10.6 Including the erection of the garage, which adds 32m<sup>2</sup> of floorspace, the total increase of floor space, including the proposed extension (28.27m<sup>2</sup>), would be of the order of 94.97m<sup>2</sup> or 88.18% of the original footprint.
- 10.7 The application dismissed at appeal was of a smaller size, with the first floor extension being stepped in from the front and rear elevation by approximately 1.5m, and the Inspectorate considered the development to be a disproportionate increase in the size of the dwelling and, as such, concluded that the proposal would constitute inappropriate development in the Green Belt.
- 10.8 Given that there has been no substantive changes in policy since the appeal decision, the proposal is considered to represent a disproportionate addition over and above the size of the original building and is therefore contrary to the NPPF and Policy RA3 (i) of the District Plan in this regard. This harm carries substantial weight as set out in the NPPF.

#### Openness of the Green Belt

- 10.9 Paragraph 133 states 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.
- 10.10 There is no definition of openness in the NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. The physical presence of any above ground development would to some extent diminish the openness of the Green Belt regardless of whether or not it can be seen.

- 10.11 The proposed side extension would increase built form within the site, at first floor level, thus increasing the bulk, scale and mass of the host dwelling. The presence of built development would subsequently increase and become visible within the Green Belt.
- 10.12 The application that was subject to the previous appeal proposed extending above the single storey addition at first floor level. The Inspectorate considered the proposed development to detract from the openness of the Green Belt.
- 10.13 Weight should therefore be afforded to this harm to the openness of the Green Belt.

#### Purpose of the Green Belt

- 10.14 It is necessary to consider whether the proposal would result in greater harm to the five purposes of including land in the Green Belt outlined in Paragraph 134 of the Framework.
- 10.15 Firstly, the proposal would not lead to unrestricted sprawl of a large built-up area due to its location within the existing footprint of the house. Due to its limitation as a first floor extension to the host dwelling within the existing residential plot it would not contribute towards neighbouring towns merging into one another. The development would not encroach any further into the countryside than the existing residential plot and would have no adverse harm to the rural character of the countryside. It would not impact upon the preservation of the setting and special character of historic towns or assist in urban regeneration, due to its limited nature and rural setting which is not adjacent to a historic town. The development would therefore be in accordance with Paragraph 134 of the NPPF.

#### Impact on character and appearance and the visual amenity of the Green Belt

- 10.16 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.
- 10.17 Due to the development being an extension to a dwelling within a residential curtilage the design would not have an adverse visual impact upon the character, appearance and pattern of development of the surrounding countryside.

#### Very Special Circumstances

- 10.18 The NPPF advises, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.19 In the appeal case the appellant argued that there are other properties in the vicinity where sizeable extensions have been permitted. The Inspectorate stated that none of surrounding extended properties appeared to result in the cumulative increase in floorspace which would be the case in the appeal proposed: a 62% increase in floorspace at Gate End, 45.1% at Melbourne Stud and 55.4% at Ayot Lodge. The inspectorate did not consider that these set a

precedent for the appeal which sought to increase in floorspace of at least over 70% at that time, and well in exceed of 80% now.

- 10.20 There are no Very Special Circumstances present in this case. Therefore, very special circumstances do not exist which would justify allowing the proposal and it would conflict with Policies, GBSP1 and RA3 of the Welwyn Hatfield District Plan 2005 and the NPPF and Policy SADM34 of the emerging Plan.

## **2. Quality of design and impact on the character and appearance of the area**

- 10.21 District Plan Policies D1 and D2, Emerging Local Plan Policy SP9 and the Supplementary Design Guidance (SDG), seek to ensure a high quality of design which relates to the character and context of the dwelling and surrounding area. The policies require extensions to complement and reflect design and character, be subordinate in scale, and not look cramped within the site in regards to bulk. These policies are in line with the National Planning Policy Framework (NPPF) in that planning should require good design.
- 10.22 These policies are expanded upon in the Council's Supplementary Design Guidance (SDG), which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing buildings and surrounding area.
- 10.23 The proposed first floor side extension would be above the existing single storey side extension sited to the south of the dwelling and includes three dormer windows along with the removal of the stack chimney.
- 10.24 The proposed design of the extension seeks to mirror the existing dwelling architecture, style and size sited to the north of the dwelling. Whilst the proposed design of the proposed extension is acceptable, the fenestration sited on the rear elevation is considered to be of an inappropriate design, out of keeping with the existing dormers and windows sited on the host dwelling.
- 10.25 The proposed use of matching materials within both the roof and brickwork of the proposed extension would be acceptable in design terms because this would be in keeping to the host property.
- 10.26 Accordingly, the proposal would represent a good quality of design and would be acceptable to the provisions of the National Planning Policy Framework 2018, Policies D1 and D2 of the District Plan 2005, Emerging Local Plan Policy SP9 and Supplementary Design Guidance 2005.

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

- 10.27 With regard to the impact on the amenity of adjoining neighbours, Policy D1 and the SDG states that any extension should not cause loss of light or appear unduly dominant from an adjoining property. Policy SADM11 aims to preserve neighbouring amenity.
- 10.28 Sawmill Cottage is set back from the streetscene and abuts residential development to the north of the site. Due to the extensions being located off the southern elevation of the property, it is considered that the proposal would not result in adverse harm to neighbour amenity by way of overlooking, loss of light

or overshadowing upon neighbour amenity. On this basis, the development is considered in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

#### **4. Impact of Development upon the Landscape Character**

- 10.29 The dwellinghouse falls within the landscape character area Ayot St Peter Wooded Upland. The characteristics of Ayot St Peter Wooded Upland involve a modest plateau area and series of secondary valleys, with a high proportion of woodland enclosing historic villages and parklands.
- 10.30 In this instance, the type, siting and design of the proposed development would not result in an adverse impact upon these landscape features. As such, it ensures the prevailing landscape quality, character and condition remain. For this reason, the development complies with Policy SADM16 in Welwyn Hatfield Borough Council draft Local Plan 2016.

#### **5. Impact of Development upon the Wildlife Site**

- 10.31 The Wildlife Site Brocket Park North is located to the east of Sawmill Cottage. Policy R15 states that planning permission will not be granted for any development which would have an adverse effect on Wildlife Sites unless it can be demonstrated that the reasons for development outweigh the need to safeguard the biodiversity of the site; and measures are taken to mitigate the effect of the development, to compensate for any residual adverse effects and to reinstate the nature conservation value of the site.
- 10.32 The Hertfordshire Biological Records Centre (HBRC) have been consulted and their response on whether the development would result in adverse harm upon the Wildlife Site is awaited. If the Council receives comments from HBRC then an oral update will be given at Committee. However, should it emerge that further survey work must be undertaken before a decision can be made then the item may have to be deferred for decision at a later date.

### **11 Conclusion**

- 11.1 The proposal has been considered against the NPPF, Development Plan policies SD1, GBSP1, D1, D2, and RA3, of the District Plan and Policy SADM34 of the emerging Local Plan. The proposal is considered to represent a disproportionate addition over and above the size of the original dwelling house. Additional harm is caused to the openness of the Green Belt. There are not any apparent very special circumstances, which demonstrate that the harm to the Green Belt by reason of inappropriateness, and harm to openness of the Green Belt, are clearly outweighed by other considerations, are evident.
- 11.2 With regard to other issues, the Local Planning Authority do not raise any objections to the developments impact upon other planning considerations, such as car parking, landscaping and neighbour amenity.

### **12 Recommendation**

- 12.1 It is recommended that planning permission be refused for the following reason:



12.2 The proposal represents a disproportionate addition to the original dwelling house and is therefore inappropriate development within the Green Belt. In addition, the impact of the proposal would have a detrimental impact on the openness. The Local Planning Authority do not consider that very special circumstances exist which outweigh the harm, by reason of inappropriateness and the harm to the openness of the Green Belt. The proposal is therefore contrary to the National Planning Policy Framework, Policy RA3 of the Welwyn Hatfield District Plan, and the Supplementary Design Guidance, Statement of Council Policy, 2005 and Policy SADM 34 of the Draft Local Plan Proposed Submission 2016.

#### POSITIVE AND PROACTIVE STATEMENT


The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Clare Howe, (Development Management)

Date 23/07/2018

Expiry Date: 16/08/2018



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 5AE</p>	Title: <b>Sawmill Cottage Waterend Lane Ayot St Peter Welwyn</b>		Scale: <b>DNS</b>
			Date: <b>2018</b>
	Project: <b>DMC Committee</b>	Drawing Number: <b>6/2018/0931/HOUSE</b>	Drawn: <b>Ida Moesner</b>
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