

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 31 MARCH 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2015/2398/FULL

MARAN HOUSE, 56 HERTFORD ROAD, DIGSWELL, WELWYN, AL6 0BX

CONVERSION OF GARAGE TO AN INDEPENDENT 2 BEDROOM RESIDENTIAL UNIT INCLUDING THE INSERTION OF 3NO REAR DORMER WINDOWS AND REPLACEMENT OF WINDOWS AND DOORS.

APPLICANT: Mr & Mrs P Kasperczak

(Welwyn East)

1. Site Description

- 1.1 The application site is located at the south-eastern edge of Digswell, on the north side of Hertford Road , just to the north of Welwyn Garden City. The site comprises a triple garage outbuilding which serves the existing dwelling, Maran House. Prior to its conversion, it served the Grade II Listed Building at Maran Cottage. The garage is of a brick build with a large pitched tile roof and includes a timber log-store at the rear, which has a lean-to roof. The application site also includes the driveway to the frontage and an area of amenity/ garden land to the rear and to the side, which includes several timber outbuildings to the east of the main garage.
- 1.2 The site is accessed off the B1000 Hertford Road to the south and open fields surround the application site to the north-east and east, with existing built development to the north-west, south and south-east of the site.

2. The Proposal

- 2.1 This application seeks full planning permission for the use of the existing garage as a separate dwellinghouse. External alterations would include removal of part of a covered walkway to detach the garage from Maran House and demolition of the existing rear log-store.
- 2.2 The proposed dwelling would comprise of a kitchen/ diner, WC lounge, study and utility room at ground floor and two bedrooms and one en-suite at first floor, which would be accommodated within the existing roof structure and which would be complimented with three dormer windows to the rear elevation. At ground floor, windows and doors would be added to the rear

elevation and the existing garage doors to the front elevation would be filled in with matching brick and windows and a main entrance door.

3. Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Welwyn Parish Council has submitted a major objection.

4. Relevant Planning History

- 4.1 6/2015/1582/HOUSE: Conversion of garage to guest annexe accommodation including the installation of 3no rear dormer windows, French doors, new windows and door. Approved 23/09/2015
- 4.2 N6/2015/0238/PA: Pre-application advice for the conversion of existing garage to a single dwelling – advice/ response provided 7 May 2015. Advice raised concerns regarding the intensification of the site within the Green Belt requested that fenestration to the front be reduced and that rooflights to the front be removed.
- 4.3 N6/2013/2705/FP AND N6/2013/2706/LB: Removal of gallery building that links Maran House to Maran Cottage and reinstatement of Maran Cottage as a separate dwelling. Installation of two conservation style velux windows to Maran Cottage and two new dormers to Maran House. Internal alterations to Maran Cottage, new bridge over River Mimram, new boundary between properties and additional hardstanding for Maran Cottage. LBC and Planning permission granted 24/03/2014.

5. Planning Policy

- 5.1 National Planning Policy Framework (NPPF) March 2012
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Supplementary Design Guidance, February 2005
- 5.4 Supplementary Planning Guidance, Parking Standards, January 2004
- 5.5 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

6. Site Designation

- 6.1 The site lies within the Metropolitan Green Belt and the Mimram Valley Parklands Landscape Character Area, as designated in the Welwyn Hatfield District Plan 2005. The wider site at Maran House (edged blue) has the River Mimram running through it and so Flood Zones 2 and 3 fall just outside the application site (edged red).

7. Representations Received

- 7.1 The application has been advertised by means of site and press notice for development affecting the setting of a listed building and by neighbour notification. No representations have been received.

8. Consultations Received

- 8.1 WHBC Conservation Officer – objections raised as it is considered that the garage is within the curtilage of the listed building at Maran Cottage and that the subdivision of the plot would further diminish the setting of the listed building.
- 8.2 HCC Transport, Programmes and Strategy – No objections.
- 8.3 Environment Agency – No objection with regard to flooding issues.

9. Town/Parish Council

- 9.1 *“Welwyn Parish Council at its Planning & Licensing Committee of the 15 December 2015 agreed to submit Major Objection. We do not believe that this material change of use is suitable for the site. It should remain as an annex to the parent building.”*

10. Analysis

- 10.1 The main planning issues to be considered in the determination of this application are:
- 1. The principle of the development within the Green Belt (District Plan Policies GBSP1, GBSP2 & NPPF (paragraphs 79-90));**
 - 2. The quality of the design and the impact on the character and appearance of the area (D1 & D2 & RA10 & NPPF);**
 - 3. The potential impact on the residential amenity of adjoining neighbours (D1, R19, SDG and NPPF);**
 - 4. Other Material Planning Considerations:-**
 - i) Highway Safety and Parking Provision (M14 & NPPF);**
 - ii) Risk of flooding;**
 - iii) Principle of development with regards to sustainability (SD1, R1, H1, H2, GBSP1, GBSP2 National Planning Policy Framework (NPPF).**
- 1. The principle of the development within the Green Belt (District Plan Policies RA17, GBSP1, GBSP2 & NPPF (paragraphs 79-90).**
- 10.2 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.

10.3 The main issues to consider in terms of Green Belt policy, therefore, are the appropriateness of the development; effect on the purpose of including land in the Green Belt, the effect on the openness of the Green Belt and, if it is inappropriate development, whether there are any very special circumstances to outweigh the harm to the Green Belt and any other harm.

10.4 Appropriateness

The site lies within the Green Belt, where the national Green Belt policies are set out in the National Planning Policy Framework (henceforth referred to as the Framework) (Section 9: Protecting Green Belt Land). Aside from the presumption in favour of sustainable development and core planning principles set out in paragraphs 6-17 of the Framework the most relevant paragraphs to decision making are 89 and 90 together with paragraphs 79 – 81 (as appropriate).

10.5 The proposals involve the conversion of an existing garage to a residential unit. Paragraph 90 of the Framework states:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.”

10.6 One such form of development is:

“The re-use of buildings provided that the buildings are of permanent and substantial construction.”

10.7 The subject building is of permanent and substantial construction. As such, subject to preserving the openness of the Green Belt and not conflicting with purposes of including land within it, the re-use of this building for a separate dwelling is considered to be an appropriate form of development within the Green Belt.

10.8 Openness

With regards to openness this is about the physical permanence at the application site and the sense of visual openness at the site. In this instance, it is important to note that permission has been previously granted in 2014 for the conversion of the existing garage into an annex, which approved the same external alterations as those now proposed, including the provision of ground-floor windows and doors and the provision of two dormer windows to the rear elevation. The only addition in terms of bulk and mass would be the provision of the three dormer windows (one more than has previously been consented). The built volume these would add would be mitigated by the removal of the larger rear log-store. The site is located on land that is already residential in use and so it is unlikely that the development would result in a significant change to the sense of visual openness at the site.

10.9 The proposed development will result in a marginal increase in residential activity and features at the site. However, as noted above, the building is

already located within an established residential plot and as such the provision of an additional dwelling unit at this site is unlikely to substantially alter the character of the area. The change of use of the ancillary garage to a separate dwelling may lead to additional vehicles parked within the immediate vicinity. However, Maran House is already served by a large driveway and parking area which would become a shared driveway and which is well enclosed and screened by surrounding/ boundary walls and hedges. Given the limited extent of the increase in this regard compared to the existing situation and as harm may be mitigated through the use of conditions removing permitted development for extensions and alterations and outbuildings, limited weight has been afforded to this harm.

10.10 Purposes of including land in the Green Belt

It is necessary to consider whether the proposal would result in harm to the five purposes of including land in the Green Belt. Paragraph 80 of The Framework states that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- 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.

10.11 The site is located on the edge of Digswell. However, as the proposal would involve the re-use of an existing building and would be a residential use within an existing residential plot, it is not considered that the development would result in the unrestricted sprawl of a large built up area or result in neighbouring towns merging into one another. For the same reasons, it is not considered that the proposal would spread built form into open countryside nor would it significantly encroach an inappropriate residential feature into the countryside. In addition, whilst the proposal is located on the edge of Digswell, it is considered that it would not harm the setting and special character of a historic town in accordance with bullet point 4 of para. 80 of the Framework.

10.12 Furthermore, with regard to the final purpose of the Green Belt, it is considered that the re-use of a building would not fundamentally fail to encourage the recycling of derelict and other urban land.

10.13 Conclusion on Green Belt

Taking the above into account, the proposal would not significantly harm the openness of the Green Belt and would not contravene the purposes of including land within it. As such, the proposed re-use of the permanent and substantial structure is considered appropriate development with regards to Green Belt policy. Notwithstanding the above, in order to prevent the new dwelling from being substantially extended or excessive outbuildings being erected to the detriment of the Green Belt, it would be reasonable to impose a condition on any planning permission removing permitted developments rights relating to Class A (extensions), Class B (roof alterations) and Class E

(outbuildings), so that an assessment can be made on any future additions to the property. It is noted that Maran House is already restricted in this regard, as PD rights were removed when permission was granted to subdivide it from Maran Cottage (planning references N6/2013/2705/FP and N6/2013/2706/LB approved March 2014).

2. The quality of the design and the impact on the character and appearance of the area (D1 & D2 & RA10 & NPPF)

- 10.14 Local Plan Policies D1 (Quality of Design) and D2 (Character and Context) aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. 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. In addition, Chapter 7 of the National Planning Policy Framework (NPPF) emphasises the importance of good design in context and, in particular, 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.
- 10.15 The subject building is a link-attached garage located within the curtilage of Maran House. The application site itself is located in a semi-rural area, part surrounded by open fields and part surrounded by existing built form and the village of Digswell.
- 10.16 For the most part, only the pitched roof of the existing garage is visible from the road to the front, over the boundary walls and hedging. The front of the roof would remain unaltered and the proposed alterations to the ground floor and the addition of dormer windows to the rear would not be overly prominent or visible from public views. As such, the proposal would have limited impact on the visual amenity of the wider area and the surrounding Landscape Character Area.
- 10.17. Again, it is noted that the external alterations to the existing garage have been previously found to be acceptable as part of the grant of planning permission to change its use to an annex (planning reference 6/2015/1582/HOUSE approved 23/09/2015). The installation of fenestration at ground floor level is appropriate and is not excessive and a matching brick would be used for the infill of the garage doors to the front. The three dormer windows to the rear would be of a proportionate scale and would not overly dominate the rear roof elevation and these would be similar to and in keeping with the dormer windows to the host dwelling at Maran House.
- 10.18 In terms of further visual impacts, the new dwelling would be served by the existing access from Hertford Road, which would be shared with Maran House and would be served by the existing driveway, which again, would be shared with the existing host dwelling. The log-store would be removed, which is considered to be an improvement in terms of design and visual

amenity, as the current store makes a limited contribution to the character of the site and surrounding area. The separate garden area to serve the proposed dwelling would be divided from the large garden of Maran House by a native hedge, to match others at this location. This is considered appropriate and in keeping with the character of the site and surrounding area. In addition, there would be sufficient spacing between the garage conversion and the existing dwelling so that a new residential unit would not appear cramped or overdeveloped at the site.

- 10.19 Concerns have been raised by the Conservation Officer, regarding the further subdivision of the original plot and the impact this would have on the grade II listed building at Maran Cottage. However, following the subdivision of the listed building to form two dwellings and to create Maran House (approved in 2014), most of the original curtilage was removed from the listed building, including the garage building in question.
- 10.20 The change of use of the garage to form a separate dwelling would have an acceptable impact on the setting of the listed building. The building is set some distance from Maran Cottage and the external changes to the garage would be relatively limited and would be appropriate in this instance so as not to detract or overly dominate the setting of the listed building. As such, the proposal is considered acceptable in this regard.
- 10.21 Taking all of the above into account, although the proposal would result in some additional residential features at the site (such as cars parked at the site etc...) that would contribute to the urbanisation of the site, given that the majority of these features would be contained within land in existing residential use, this would not be of a scale that would result in significant and demonstrable harm to the immediate and wider surrounding area.
- 10.22 Having regard to all of the above, the proposal would not result in significant harm to the immediate vicinity and wider surrounding area. As such, the proposed development complies with saved policies D1, D2 and RA10 of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guide and Section 7 of the NPPF. In order to ensure that the proposed development is assimilated into its site and rural surroundings, it is reasonable and necessary to include a condition requiring that landscaping details be submitted and agreed. A landscaping scheme would also show details of boundary treatments to subdivide the site from Maran House and any hardstandings or patios (in place of the removed log-store, for example).

3. The potential impact on the residential amenity of adjoining neighbours (D1, R19, SDG and NPPF).

- 10.23 Policies D1, R19 and the Supplementary Design Guidance aim to preserve neighbouring amenity. Furthermore, 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.

- 10.24 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. Due to the semi-rural character of the area and positioning of the existing garage, the nearest neighbouring properties to the proposed development would be the existing host dwelling at Maran House and Maran Cottage. The proposal to convert the garage to a separate dwelling would consist of additional ground floor windows and doors and the provision of three rear dormer windows at first floor level. Due to the limited scale of the proposed additions and the distance of the garage to the main aspect of Maran House and Maran Cottage (approximately 11 metres), the proposal would not be overbearing or overly dominant and would not result in a significant loss of sunlight to these or any other neighbouring properties.
- 10.25 The proposed development would not result in any overlooking of neighbouring dwellings or the primary amenity space of neighbouring properties. The three proposed dormer windows would have views of parts of the garden of Maran House, however, this would be of the more 'outer' parts of the large garden and would not be of primary amenity space next to or near to the main dwelling. Any views would also be separated and partially screened by the rear amenity space to serve the new dwelling and by a new boundary hedge. In this instance, it is considered that on balance, the relationship between the two properties would be acceptable.
- 10.26 Having regard to all of the above, it is considered that the development would not detrimentally impact upon the living conditions of the occupiers of surrounding neighbouring units, in terms of overbearing, overshadowing and overlooking. The proposal is, therefore in accordance with policy D1, the Supplementary Design Guidance and the relevant paragraphs of the NPPF.

4. Other Material Planning Considerations.

- 10.27 i) Highway Safety and Parking Provision (M14 & NPPF)
Paragraph 39 of the NPPF states that if setting local parking standards, authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved policy M14 of the District Plan and the Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the framework and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.
- 10.28 The proposed development would be served by an area of existing driveway to the front of the building which would provide enough space for at least 3 vehicles to park and to turn around within the site. Given the scale of the proposal, to provide a two bedroom dwelling, it is considered that this is an acceptable provision of off-street parking.

- 10.29 It is acknowledged that the proposal would result in the loss of a triple garage and part of the driveway currently serving Maran House. However, the existing property would retain part of the existing driveway which would also be large enough to accommodate at least 3 vehicles and so the existing property would still be served by sufficient parking provision.
- 10.30 Turning to highway safety, Hertfordshire County Council Transport, Programmes and Strategy have been consulted and the Highway Officer does not raise any objections to the proposed development. The new dwelling would make use of the existing access onto Hertford Road which, given the 30m.p.h speed limit at this part of the road, benefits from suitable visibility splays, being on the outside of bend in the road allowing for good views in both directions. The minor intensification of the existing access would not result in significant highway safety concerns. Accordingly, the proposal is considered to be acceptable in terms of highway safety.
- 10.31 (ii) Risk of Flooding
Although close to the edge of the application site, the site is not located within Flood Zone 2 or 3 (zones liable to flooding). Outside of these zones, all other land is designated as Flood Zone 1. The Environment Agency (EA) has confirmed that as no part of the site is within Flood Zones 2 or 3 then a Flood Risk Assessment is not required in this instance.
- 10.32 A proposed dwelling is listed as a 'vulnerable use', however, as noted above, it is located within Flood Zone 1 (an area not liable to flooding) and so the Environment Agency does not raise any objections. Whilst the site is located within an area at risk of Surface Water Flooding, this is a low risk and the Council can refer to EA standing advice in this regard, which requires that *"Ground floor levels should be a minimum of whichever is higher of: 300mm above the general ground level of the site or 600mm above the estimated river or sea flood level"*. This is to be required as part of a suitable condition. Any low risk of surface water flooding would not be sufficient to warrant the refusal of the application in this regard.
- 10.33 (iii) Principle of development with regards to sustainability
With regards to the Development Plan, the proposal is considered to be located on previously developed land, in accordance with policy R1. Policy SD1 states that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and they accord with the objectives and policies of the Development Plan. This is consistent with the 'golden thread' running through the NPPF; the presumption in favour of sustainable development (para. 14). The Framework states that there are three aspects to sustainable development; social, economic and environmental. These roles should not be undertaken in isolation, because they are mutually dependant (paras. 7-8).
- 10.34 Although the site is located within the Green Belt, it is not in an isolated location, being set at the south-eastern edge of Digswell and within walking

distance of the various shops, facilities and services within the village. In addition, the property is also within relatively close proximity to Welwyn Garden City. Furthermore, the site is partially surrounded by existing built form and other residential properties. Given its location, the proposal would be a sustainable form of development which accords with Policy SD1 and the NPPF.

11. Conclusion

- 11.1 The proposal would not cause significant harm to the Green Belt in terms of its openness and the purposes of including land within it. As such, it is considered to represent appropriate development within the Green Belt. In addition, owing to the location of the site, the proposal would be a sustainable form of development.
- 11.2 The impacts of the proposal have been considered on the visual amenity of the site and surrounding area and on the setting of a grade II listed building and on the residential amenity of neighbouring dwellings. It has been concluded that on balance, the proposal would sufficiently maintain and relate to the character, appearance and visual amenity of the site and surrounding area, would not harm the setting of the listed building and that it would not have any significantly adverse impacts on the residential amenity of neighbouring dwellings. As a result, the proposal is in accordance with Policies RA10, D1 and D2 of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guidance and with the National Planning Policy Framework.
- 11.3 The proposal has also been considered with regard to parking and highway safety and matters of flooding risk and it is not considered that these matters are sufficient to warrant a refusal of planning permission. The proposal is therefore in accordance with Policies R7, R8 and M14, the SPG Car Parking Standards and the Council's Interim Policy for Car Parking Standards and Garage Sizes and the relevant parts of the NPPF.

12. Recommendation

- 12.1 It is recommended that planning permission be granted subject to the following conditions:
1. 30.1 - Development in accordance with approved plans/details drawings numbered: 8093-P32 & 8093-P33 & 8093-P35 & 8048-P37 & 8093-P38 & 8093-P39 & 8093-P40 received and dated 30 November 2015 & 8093-P30 Rev.B & 8048-P31 Rev.A & 8093-P34 Rev.A & 8093-P36 Rev.A received and dated 26 February 2016.

Pre-development

2. 6.1 – Sample materials

3. Prior to the commencement of development a scheme of landscaping is to be submitted and agreed, which shall include details of the following:
 - (a) original levels and proposed finished levels
 - (b) means of enclosure and boundary treatments
 - (c) car parking layout and markings
 - (d) hard surfacing, other hard landscape features and materials
 - (e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

Prior to Occupation

4. The development hereby approved shall be constructed and completed in accordance with the relevant standing advice by the Environment Agency which is as follows:

Ground floor levels shall be a minimum of whichever is higher of:

 - 300millimetres (mm) above the general ground level of the site
 - 600mm above the estimated river or sea flood level

REASON: To protect the site and surrounding environment from surface water flooding and pollution in accordance with Policies R7 and R8 of the Welwyn Hatfield District Plan 2005.

Post-Development

5. 10.1 - Removal of Permitted Development rights for extensions and outbuildings (Classes A, B, C and E)
6. 5.1 – That the landscaping scheme to be agreed in accordance with Condition 4 of this permission shall be implemented and completed

Summary of reasons for the grant of planning permission:

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

Informatives:

1. INF2 – Ownership: The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.

2. INF6 - Street Numbering: The development will involve the numbering of properties and naming new streets. The applicant MUST contact WHBC Transportation (01707 357558 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
3. INF12 - Pre-commencement conditions: The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834> . Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 35700.
4. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Tom Allington, (Strategy and Development)
Date 09/03/2016

Application Expiry Date: 29/01/2016



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

Title:

56 Hertford Road, Digswell

Scale: DNS

Date: 2016

Project:

DMC Meeting

Drawing Number:

6/2015/2398/FULL

Drawn:

Andrew Windscheffel

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