

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 15 JUNE 2023  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2022/2725/HOUSE

15 REEVES COURT, WELWYN AL6 9FU

RETENTION OF AN ELEVATED PLAYHOUSE AROUND OAK TREE (TPO 450)

APPLICANT: MR M DELANEY

**1 Site Description**

- 1.1 The application site is No.15 Reeves Court which is located within Wilshere Park which is a modern housing development.
- 1.2 The site consists of a detached dwelling located within a fairly generously sized plot which borders a wooded area and fields located to the rear of the site.
- 1.3 The surrounding area is residential in character and appearance and consists of a variety of detached, semi-detached and terraced dwellings which have various characteristics and designs.

**2 The Proposal**

- 2.1 This planning application seeks permission for the retention of an elevated playhouse around an oak tree, which is covered by a Tree Preservation Order (TPO)
- 2.2 The wooden playhouse is made from Redwood and Spruce soft wood and measures an overall height of approximately 4.5m, with a raised platform of approximately 1.8m in height. The raised platform of the playhouse is built around the oak tree, a bridge, a swing set and an enclosed playhouse with a small window.

**3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because the application has been called in at the request of Councillor Paul Smith for the following reasons:
  - Residents are concerned with the loss of privacy and amenity to nearby properties.
  - The application raises some unusual and sensitive planning issues due to its location and has attracted a high level of localised public interest.

## **4 Relevant Planning History**

- 4.1** Application reference: 6/2022/0562/HOUSE  
Proposal: Installation of 2 side windows to facilitate conversion of garage into habitable space and installation of rear gable end with 5 rooflights to facilitate conversion of loft to habitable space.  
Decision: Granted  
Decision Date: 10 May 2022

## **5 Relevant Planning Policy**

National Planning Policy Framework (NPPF)

Welwyn Hatfield District Plan 2005 (District Plan)

Welwyn Hatfield Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)

Supplementary Design Guidance 2005 (SDG)

Supplementary Planning Guidance, Parking Standards 2004 (SPG)

Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

## **6 Site Designation**

- 6.1** The site lies within Metropolitan Green Belt. The land is also located in a designated Landscape Character Area (Ayot St Peter Wooded Upland) within the settlement of Welwyn West, as designated in the Welwyn Hatfield District Plan 2005.

## **7 Representations Received**

- 7.1** The application was advertised by means of neighbour notification letters and a site notice which was displayed near the site. Four objections have been received which are published in full on the Council's website and summarised below:
- The construction causes a loss of amenity including overlooking and loss of privacy.
  - The playhouse will generate additional noise in the area.
  - Overdevelopment of the property and plot.
  - The excessive bulk and scale of the structure is overbearing and out of character with the surrounding area.
  - There would be a negative impact on the local landscape.
  - It would result in the loss of a view.
  - The proposal would be in breach of a covenant.

## **8 Consultations Received**

- 8.1** Welwyn Parish Council have objected to this construction due to its size, height, and bulk and because it would appear to have a grave effect on neighbouring properties.

8.2 WHBC Landscapes Department have no objection to the proposal.

## 9 Analysis

9.1 The main planning issues to be considered are:

1. Principle of development within the Green Belt
2. Quality of design and impact on the character of the area
3. Residential amenity
4. Other considerations

### 1. Principle of development within the Green Belt

9.2 The National Planning Policy Framework (NPPF), in paragraph 149, outlines that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, apart from a limited number of exceptions. Exception (c) is engaged in this case and explains that the extension or alteration to a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.

9.3 Policy RA3 of the District Plan 2005 states that permissions for extensions to existing dwellings within the Green Belt will be allowed if the proposal will not individually or cumulatively result in a disproportionate increase in the size of the dwelling. It also states that it must not have an adverse visual impact on the character, appearance, and pattern of development of the surrounding countryside.

9.4 Policy SADM34 of the Council's Emerging Local Plan, which echoes Green Belt policy in the NPPF, is also applicable. The policy states that applicants will need to demonstrate that extensions and alterations to a building would not result, either individually or cumulatively, in disproportionate additions over and above the size of the original building, in terms of bulk, scale, height or massing. Account will be taken of the extent to which the extension and/or alteration would be consistent with the general pattern of development and character of the area and its prominence within the landscape.

9.5 Neither the NPPF nor the District Plan provide any detailed guidance on how to determine whether an extension is disproportionate. This is, therefore, ultimately a planning judgement of fact and degree, which demands that each proposal is considered in relation to the size and appearance of the original building.

9.6 The property has previously received planning permission for the installation of two side windows to facilitate the conversion of the garage into habitable space and the installation of a rear gable end with 5 rooflights to facilitate the conversion of the loft to habitable space. This has resulted in modest additions to the property compared to the original dwelling.

9.7 The children's play equipment would be used in association with the main house and is considered a relatively modest addition which sits comfortably alongside the dwelling and allows views into and out of the site. In addition, it is considered that its appearance is acceptable in the context of its setting in a domestic garden. As a consequence, it is considered that the children's play equipment does not amount to a disproportionate addition over and above the size of the

original building and does not significantly alter the dwellings appearance or character. It is therefore considered that in both quantitative and qualitative terms, the proposal would be a proportionate addition both spatially and visually. The children's playhouse is subsequently viewed to be appropriate development within the Green Belt.

- 9.8** The Courts have held that appropriate development does not harm the openness of the Green Belt or the purposes of including land within it.

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

- 9.9** The Government attaches great importance to the design of the built environment. The National Planning Policy Framework (NPPF) notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
- 9.10** District Plan Policies D1 and D2 aim to secure a high quality of design and 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 building and area. These objectives are broadly consistent with the Council's Emerging Local Plan and the aims of the NPPF.
- 9.11** This application seeks planning permission for the retention of an elevated playhouse around an oak tree, which is covered by a Tree Preservation Order (TPO)
- 9.12** The playhouse is located to the rear end of the garden and although it is fairly large, the garden is wide and spacious, so it does not appear cramped in appearance., Therefore, the playhouse has a limited impact on the character of the main dwelling and the site due to its separation distance and siting. Furthermore, the materials (Redwood and Spruce soft wood) ensure the development does not appear unduly prominent or visible from wider viewpoints to the rear of the site.
- 9.13** In terms of the impact on the street scene, there are differences in land levels between the application site and 14, 16, 17, 18 and 19 Reeves Court. The development, albeit taller due to the topographical changes, does not result in harm to the character and appearance of the streetscene. This is due to its location in the corner of the plot, set-in distance from the boundary and choice of materials which are not utilitarian or harsh in appearance.
- 9.14** As the development is located on an existing residential plot, within an area surrounded by residential properties, it is also considered that the children's play equipment does not have any direct impact upon the local landscape quality and although it would not contribute, it would not be contrary to Policy RA10 of the District Plan 2005, Policy SADM16 of the Emerging Local Plan or the NPPF in this regard.

### **3. Residential amenity**

- 9.15** Policies D1 and the Supplementary Design Guidance aim to preserve neighbouring amenity. Furthermore, guidance in the NPPF aims to seek to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. With regard to the impact on the amenity of adjoining neighbours, Policy D1 of the District Plan and the SDG state that extensions should not cause loss of light or appear unduly dominant from an adjoining property and should not result in undue overlooking of a neighbouring property or result in a loss of privacy. Policy SADM11 of the Emerging Local Plan is similar in these aims.
- 9.16** Four representations have been received from adjoining properties objecting to the proposal on the grounds of a loss of amenity.
- 9.17** Some degree of overlooking is acceptable which would be consistent with a neighbouring relationship generally expected between residential properties.
- 9.18** The raised platform of the playhouse has a separation distance of approximately 26m from the rear wall of 17 Reeves Court, which is set further forward than the application site. Views of the private rear garden are largely screened by the garage which is located to the rear of 17 Reeves Court. In addition, the application property already benefits from a first-floor front and rear balcony which provides some views towards No.17, at a closer distance than the playhouse. The views towards first floor windows at No.17 are limited and not dissimilar to views which can be obtained from standing at ground floor level near to the playhouse.
- 9.19** On the opposite side, the playhouse would have an approximate 34m distance from the dwelling at 13 Reeves Court which adjoins the application site, and it is not considered to have any detrimental impact due to the siting and separation distance of the playhouse.
- 9.20** Adjacent to the application site there is a car parking area with two dwellings that have their frontages facing the application site. Taking into account the separation distances between the habitable rooms of the dwellings and the playhouse, it is considered that there would be no detrimental impact on loss of amenity. The private garden of 18 Reeves Court adjoins the application site at a small section in the north-west corner. However, there are a number of mature trees in a TPO located along the boundary with this property, which provide appropriate screening. Furthermore, this would not reduce the privacy of the majority of the garden.
- 9.21** In summary, although the playhouse would be visible from neighbouring properties located to the side and rear of the site, the playhouse is set slightly down in the ground and direct views to habitable windows from the raised platform would be limited due to the separation distances between the neighbouring properties and the playhouse. Furthermore, some trees have been planted along the site boundary by the applicant which will provide some additional screening. Therefore, it is considered the proposal would maintain an appropriate level of privacy for an established residential area. The development would not be unduly dominant or result in any adverse loss of light from any neighbouring properties either, having regard to both its scale, timber finish and location. As such, it is considered that the living conditions of neighbouring occupiers would be maintained to an acceptable level.

- 9.22 Policies D1 and R19 of the District Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution. SADM11 of the Emerging Local Plan is similar in these aims. It is considered that noise levels from the children’s play equipment would be similar to noise levels associated with the use of any residential garden. Therefore, no concerns are raised in this regard.
- 9.23 Some of the comments raised refer to matters which are not material planning considerations, including the loss of a view and covenants on the land. These have not been discussed in this report as they are not material to the determination of the proposal.
- 9.24 Overall, it is considered that the living conditions of the adjoining occupiers are maintained to an acceptable level in accordance Policy D1 Welwyn Hatfield District Plan 2005, the Supplementary Design Guidance 2005, Policy SADM11 of the Emerging Local Plan and the NPPF.

**4. Other considerations**

**9.16 Parking**

9.17 The proposed development is not considered to have any detrimental impact on the parking provisions for this site.

**9.18 Landscaping**

9.19 The playhouses platform would be built around an Oak Tree which is covered by a Tree Preservation Order (TPO). The tree and structure has been inspected and the tree is not physically attached to the structure. The Council’s Landscaping team have been consulted and the Tree Officer has no objection to the proposed development.

**10 Conclusion**

10.1 The proposed development would have an acceptable impact on the character and appearance of the existing property, its site and the surrounding area and the proposal would not result in any significantly detrimental impacts on the living conditions of neighbouring occupiers. The proposal is therefore acceptable and is in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, the Supplementary Design Guide, The Welwyn Hatfield Draft Local Plan Submission 2016 and the National Planning Policy Framework.

**11 Recommendation**

11.1 It is recommended that planning permission be granted subject to the following conditions:

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

Plan Number	Details	Received Date
21011-A-PL500	Location Plan	01/12/2022
21011-A-PL100	Existing Roof Plan	01/12/2022

21011-A-PL110	Proposed Roof Plan	01/12/2022
21011-A-PL501	Existing Site/Block Plan	01/12/2022
D1-672 Rev A	Proposed Play House Top & Side Elevation	22/01/2022

## 1. POSITIVE AND PROACTIVE STATEMENT

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

Kerrie Charles (Development Management)

Date: 02 May 2023



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

15 Reeves Court Welwyn AL6 9FU

Scale: DNS

Date: 25-05-2023

Development Management Committee

6/2022/2725/HOUSE

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