



The countryside charity
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Standing up for Hertfordshire's countryside

Raymond Lee
Development Control
Welwyn Hatfield Borough Council
Campus East
Welwyn Garden City
Herts. AL10 6AE

Our Ref:

Your Ref:

16th December 2020 (by email)

Dear Mr. Lee,

Application No. 6/2020/3048/FULL
Erection of 1bed 2person earth house
17 Rollswood Road, Welwyn, AL6 9TX

CPRE Hertfordshire object to this proposal for inappropriate development in the Green Belt, which is contrary to policies in the National Planning Policy Framework, the Welwyn Hatfield District Plan and the Submission Local Plan which is currently subject to Examination in Public.

The address in the heading is incorrect. This site is on the land opposite 17 Rollswood Road, which was subject to Application no. 6/2020/1403/FULL which was rejected by the Council earlier this year.

This site sits entirely within the Green Belt and forms part of woodland on the northwest side of Rollswood Road. It is one of five plots, marketed in 2017 which, if all are developed, would remove the wood in its entirety. The Green Belt review undertaken by the Council in preparation for the EIP determined that the parcel in which this site is located contributes positively to Green Belt purposes.

Among the reasons given by the Council for refusing the earlier application was that by virtue of its size and siting on this well- wooded plot, the proposed development would result in loss of the majority of the trees on the site and a corresponding loss of wildlife habitat and biodiversity. Consequently the applicant now proposes to sink the entire house below ground and cover it with a sedum roof. According to the Planning Statement "none of the proposed development will be visible above the ground." This, it is claimed, will preserve the openness of the Green Belt and maintain the woodland and its associated habitats and biodiversity. However the limited documentation accompanying the application raises issues regarding both these points.

Notwithstanding the fact that it is predominantly underground, the application is for residential development, which constitutes inappropriate development in the Green Belt

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President: Sir Simon Bowes Lyon, KCVO
Chairman: Richard Bullen

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whatever its form. It is contrary to the National Planning Policy Framework, and the Green Belt policies in the Welwyn Hatfield District Plan and the Submission Local Plan which is now at an advanced stage of its Examination in Public.

Irrespective of whether the building is underground or not, *Timmins v. Gedling Borough Council* (EWHC 654) held that “*any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities*” and *Lee Valley Regional Park Authority v Epping Forest DC* (EWCA Civ 404) held “*The concept of “openness” here means the state of being free from built development, the absence of buildings as distinct from the absence of visual impact.*”

The design of the building is such that it cannot operate as a dwelling without the raising of a number of ‘hatches’ which provide access, daylight and ventilation. There are seven such hatches, the largest of these being 3.349m x 1m. It is likely that these will be raised for most of the time when the buildings is in use. Consequently the hatches will be above the roofline of the building and interrupting the openness of the site.

There is no reference at all to proposed amenity space for the dwelling but it is unlikely that there would be no associated domestic paraphernalia. In addition there would be a crossover and onsite parking for two cars. Such physical changes would alter the characteristics of the site from an open woodland that which would appear on the ground as a separate plot serving a new dwelling. Whilst much of the dwelling itself would be underground, there would be a perceptible change in the characteristics of the site and the development would appear incongruous in the street-scene. Such differences would be discernible outside the site from neighbouring properties and by anyone passing the site entrance. Comings and goings of vehicles would also be greater with the residential use. For the above reasons the proposed site would appear noticeably developed and as a result there would be an impact on the openness of the Green Belt, in conflict with Policy GBSP1 of the District Plan, Policy SADM34 of the Submission Local Plan and the NPPF.

Nor is it likely that the proposal would maintain the woodland as claimed. The woodland is covered by Tree Preservation Order No. 1002. The conditions of the order state that no tree will be cut down, topped, lopped, uprooted, wilfully damaged, or wilfully destroyed. Scaling from Plan DWL01 the proposal will involve digging a 470 cubic metre hole. On the plan it says that all of the existing trees outside of the excavated area will be ‘untouched’. The National House Building Council standards for building close to trees points out that “Most of a tree's root system is within 600mm of the surface and extends radially for distances often in excess of the tree's height. All parts of the root system are vulnerable to damage and once damaged, roots may not regenerate. Extensive root damage may impair the stability of the tree.” The majority of the trees on this site will therefore have root systems which are likely to be

damaged by this development. The excavation and subsequent construction would also impact on the groundwater levels across the site, which would in turn affect the trees. There is no assessment of the impact on the trees accompanying the application or how potential damage to them could be mitigated. Consequently the proposed development would be contrary to Policies R11, R17, D2 and D8 of the Welwyn Hatfield District Plan and Policy SADM16 of the Submission Local Plan.

In rejecting the previous application the Council cited its unsustainable location. The applicant expresses the view that as there are other residential properties in Rollswood Road, it is demonstrated that the location is sustainable. This is a flawed argument which, if held to be true, would mean that any group of houses, wherever located, would be sustainable. The existing houses in Rollswood Road are not in a sustainable location. Their remoteness from existing services and facilities and, in particular, from existing infrastructure in the area, is contrary to the settlement strategy of the Council. As such, the proposal is contrary to Policies SD1, H2, of the current District Plan; Policies SADM1 and SP1 of the Submission Local Plan and section 9 of the NPPF.

The limited documentation accompanying the application raises a number of issues.

Paragraph 127 of the NPPF requires a high standard of amenity for existing and future users and Council policy requires that developments should be designed and built to ensure that there is a satisfactory level of sunlight and daylight. As mentioned above, the design relies on the raising of 'hatches' to provide daylight and ventilation. There are no daylighting calculations provided to demonstrate that the proposal meets the requirements of British Research Establishment guidance and recommendations on daylight and sunlight. In our view, having regard to the extent to which the habitable rooms would be below ground and the lack of supporting evidence, the dwelling would not receive satisfactory levels of sunlight. The Council will have to satisfy itself on this point before determining the application.

Similarly there is no information on how adequate ventilation will be achieved. As presented, the hatches will have to be permanently open in order to ensure sufficient through-flow of air

While each application is to be determined on its merits it has to be questioned what the long term implications are for a new earth dwelling, without views or reasonable ventilation and daylight. Would it be reasonable to resist subsequent improvements when it is demonstrably the case that the dwelling is unsatisfactory for most users?

Permitted development rights raise many other long term implications – if a dwelling were established, would it be deemed reasonable to resist the rights enjoyed by other dwellings e.g. for garden outbuildings or vertical extensions?



The application form states that the sewage disposal will be by connection to the mains service, but there is no indication of how this will be achieved. Given the depth of the proposed house, the Council will also have to ascertain the viability of this proposal. Nor is there any indication of how domestic water storage will be achieved. The sections through the dwelling do not show any potential location for the required storage tanks, or sufficient headroom to contain them within the structure.

No case has been made which outweighs the harm to the openness and other harm to the Green Belt and damage the woodland. We urge the Council to reject this application.

Yours sincerely,

David Irving
Senior Planning Volunteer
CPRE Hertfordshire