

WELWYN HATFIELD COUNCIL
PLANNING CONTROL COMMITTEE
3RD JUNE 2004
REPORT OF THE CHIEF PLANNING &
ENVIRONMENTAL HEALTH OFFICER

PCC 03.06.04
PART 1
ITEM NO
FOR DECISION
CPEHO

S6/2004/437/FP
PARTIAL DEMOLITION OF EXISTING DWELLING AND
ERECTION OF TWO DETACHED DWELLINGS AND
GARAGES (AMENDED SCHEME TO S6/2002/0470/FP INVOLVING
REVISIONS TO THE SIZE AND HEIGHT OF THE GARAGES
SERVING No. 6 HILL RISE AND NEW DWELLING ON PLOT 1)
6 HILL RISE, CUFFLEY

APPLICANT: CRESTHAVEN DEVELOPMENTS LTD

(Northaw)

1.0 INTRODUCTION

- 1.1 The application site is located on the eastern side of Hill Rise near to its junction with Plough Hill. It comprises a detached dwelling set back 15 metres from the highway, in a plot with a frontage of 18 metres in width. The plot has a total depth of 110 metres and enlarges to 33 metres in width for the last 50 metres. It is enclosed on all boundaries by established hedges with several mature trees on its northern and southern boundaries. The wider eastern half of the plot was previously used as an orchard.
- 1.2 The site is bounded on all sides by detached and semi-detached residential properties in Hill Rise and Orchard Close. The ground levels fall sharply to the north outside of the site and, to a lesser extent, to the east so that properties in Orchard Close are at a lower level. There is a single vehicular access to the site from Hill Rise.
- 1.3 Members may recall that planning permission was granted in April 2003 for a similar scheme (S6/2002/470/FP) for the partial demolition of No. 6 and the erection of two detached dwellings and garages, plus a detached garage to serve No.6. Construction work commenced in Autumn 2003. In early 2004 it came to the attention of the Council that the garages serving the original property at No. 6 Hill Rise and Plot 1 were not being constructed in accordance with the approved plans. The current application was then submitted in an attempt to regularise the situation.

2.0 THE PROPOSAL

- 2.1 This application seeks planning permission again for the whole development, with the only change from the approved scheme (S6/2002/470/FP) relating to the garages serving No. 6 and Plot 1.
- 2.2 Part of the existing dwelling has already been demolished, reducing the width of the frontage by 2.5 metres, to provide an access drive into the rear of the site. Two detached dwellings are currently under construction to the rear of No.6. The dwelling on Plot 1 is located adjacent to the rear garden of the existing dwelling and the dwelling on the larger plot 2 is sited at an angle to the rear and side boundaries, maintaining a distance of at least 12m at its closest point from the boundary with Orchard Close. The proposed dwellings have a footprint of 15m x 9m and a maximum roof height of 7m. The dwellings are designed with the first floor accommodation contained mostly within the roof and dormer windows on the front and rear elevations. Both new dwellings would have detached double garages, with a further detached double garage to serve the existing dwelling. The new dwellings would have rear garden depths of between 11 and 18 metres while the existing dwelling at no. 6 would retain a rear garden of between 22-26m. The new dwellings would be served by a single vehicular access from Hill Rise, which would be enlarged, and the existing dwelling would have a separate crossover.
- 2.3 In the previously approved scheme all three detached double garages would have been of the same dimensions, measuring 5.55m wide by 5.55m deep, with a height of 2.4m to the eaves and 4.3m to the ridge. The garage to serve No. 6 would be sited adjacent to the north-eastern corner of the garden to No.8; the garage on Plot 1 adjacent to the rear garden boundaries of 17 and 19 Tolmers Avenue, some 70 metres from the rear elevation of the dwellings, while the garage on Plot 2 would be sited at the rear of the site, adjacent to the rear garden boundaries of No's 7 and 8 Orchard Close.
- 2.4 In this application, no changes are made to the siting of the garages. The proposed garage on Plot 1 would be 5.87m wide by 5.76m deep, with a height to the eaves of 2.4m and to the ridge of 5.25m, giving a roof pitch of 40 degrees, with a low plinth around the base. The proposed garage to serve No.6 would measure 5.87m wide by 5.97m deep, with a height to the eaves of 2.4m and to the ridge of 5.25m, giving a roof pitch of 40 degrees.
- 2.4 This application has been amended since originally submitted. The dimensions for the garages on Plot 1 and No.6 were incorrectly shown and it was proposed that the garage on Plot 2 would have the same width, depth and eaves height as originally approved, but with an increase in the ridge height from 4.3m to 5.15m. The proposed alterations to the garage on Plot 2 have been omitted and this will now be built as per the approved scheme.

3.0 RELEVANT HISTORY

S6/2002/0470/FP – permission for the partial demolition of the existing dwelling and the erection of two detached dwellings – 11.04.03.

4.0 MAIN RELEVANT PLANNING POLICIES

- 4.1 The following policies are relevant to the determination of this application

Hertfordshire Structure Plan Review 1991 - 2011:

None relevant

Hertfordshire Structure Plan Alterations 2001- 2016 (Deposit Draft Feb 2003):

New Policy – Design & Quality of Development

Welwyn Hatfield District Plan, Alterations No 1, 1998

Policy BEV 9 - Other specified settlements

GEN criteria 1 – Design and Siting of Buildings

GEN criteria 3 – Impact on Amenities of Residential Properties

GEN criteria 4 – Servicing, Access and Car Parking

RES criteria 17 – Character of Settlements

Welwyn Hatfield District Plan Review Revised Deposit Version, June 2002:

Policy D1 – Quality of Design

Supplementary Design Guidance

5.0 REPRESENTATIONS RECEIVED

- 5.1 This application was publicised by the direct notification of adjacent residential properties and any other parties who commented on the previous application (S6/2002/0470). Five letters of objection have been received in respect of the original scheme. Objections were lodged on the following grounds:-
- Density of development on this small plot is already excessive. Any increase in the size of houses or garages should be resisted.
 - From No.8, the closest garage serving No.6 appears far greater in length than originally anticipated even discounting the extra 40cms. But the main problem is the overall height. This garage already has the roof partly built, which is to the higher specification. It will overshadow the garden. The effect is more pronounced as No.8 is at a lower level.
 - No regard has been shown for the proximity of neighbouring properties.
 - Increased dimensions make the scheme much more intrusive.
 - Previous objections expressed concern that the development would not be carried out in compliance with the approved plans. This has been proved true. Query as to what other elements do not comply with the approved scheme and what other retrospective applications will be made and approved. The Planning Authority has a duty to check and ensure compliance with approved plans otherwise developers could do as they pleased, often hoping no one will notice.
 - There is a lot of topsoil retained on site. Concern that if this is spread around the site and land levels are raised boundary hedges would be eroded.
- 5.2 Everyone who had commented on the scheme as originally submitted have been re-consulted on the amended plans. At the time of writing no further representations have been received and any subsequently received will be reported at the meeting.
- 5.3 Northaw and Cuffley Parish Council object to increased bulk and are concerned that the scheme as built is not in accordance with the approved plans. The Parish Council have now been re-consulted on the amendments and any further comments will be reported to Members.
- 5.5 County Highways Authority - No objection to the proposals subject to the imposition of previous conditions and informatives as recommended in relation to application S6/2002/470/FP.

- 5.6 Thames Water – public sewer crosses the site, no development should be within 3 metres without Thames Water approval.
- 5.7 Herts Biological records Centre – advises that it has a record of a bat roost within 280m of the site.
- 5.8 Environment Agency – no objections
- 5.9 Welwyn Hatfield Access Group – proposal should comply with residential standards and criteria in the adopted plan and Building Regulations Part M.

6.0 DISCUSSION OF PROPOSALS

- 6.1 The principle of the form of residential development proposed is accepted by virtue of the extant planning permission S6/2002/470/FP. At the time of the determination of that application it was considered that:
- The layout reflected the existing pattern of development in the surrounding area;
 - The dwellings were sufficiently separated from existing properties to ensure that they would not harm existing residential amenities; and
 - The development met the aims of PPG3 'Housing' and was acceptable in terms of adopted and emerging district plan policies.
- 6.2 Those considerations are still pertinent in this case and demonstrate that the scheme is acceptable in principle. The determining issues are whether the amendments to the size and height of the garages serving Plot 1 and No. 6 would have an adverse effect on the amenity of adjoining occupiers in terms of overshadowing or overbearing effect and on the character and appearance of the locality to the extent that planning permission ought now to be refused.
- 6.3 As has been stated previously, the approved garages measure 5.55m wide by 5.55m deep, with a height of 2.4m to the eaves and 4.3m to the ridge, with a roof pitch of approximately 30 degrees. The proposed garages are of differing dimensions with the garage on Plot 1 measuring 5.87m wide by 5.76m deep, with a height to the eaves of 2.4m and to the ridge of 5.25m, giving a roof pitch of 40 degrees, with a low plinth around the base while the garage to serve No.6 measures 5.87m wide by 5.97m deep, with a height to the eaves of 2.4m and to the ridge of 5.25m, giving a roof pitch of 40 degrees.
- 6.4 The additional size represents an increase in width of 0.32m and increase in depth of between 0.21m and 0.42m, while the additional height represents an increase of 0.95m. The largest variation is in the height of the buildings, at just under 1 metre greater than the approved scheme. However, the roof shape is a pyramid and slopes steeply away from the boundaries of neighbouring properties. As a result of the roof design of the garages, I do not consider that this additional height would give rise to a loss of amenity to the occupiers of adjoining properties in terms of overshadowing or overbearing effect, even allowing for the changes in land levels between the site and No. 8 Hill Rise and properties in Tolmers Avenue. The variations to the width and depth are not unduly significant and of themselves cause no adverse effect on the amenity of adjoining occupiers.
- 6.5 The garages are situated at some depth into the site and will largely be concealed from the street scene. There will be limited impact on the appearance of the street or the character of the area.

- 6.6 While it is regrettable that the scheme has proceeded without compliance with the approved plans and in advance of any planning permission being granted for the revisions, this in itself, while being a breach of planning control, is not a criminal offence. The Council has to make an assessment of the materiality of any variation with an approved scheme and whether the variation would result in a different conclusion on the planning merits of the scheme. While such considerations are taking place it would not be reasonable to instigate enforcement proceedings to secure the demolition of those parts of the development that do not comply with the approved plans, particularly when a developer has a lodged an application seeking to remedy the breach. In addition, this breach of planning control in itself is not a reason to withhold planning permission.
- 6.7 Concerns have also been raised about whether other aspects of the scheme accord with the approved plans. Council officers have previously checked the setting out and the levels of the dwellings on site and no variation with the approved plans was found. The dwellings are still under construction and at this stage it would not be possible to conclude whether the resultant height accords with the approved plans.

7.0 CONCLUSION

- 7.1 I am satisfied that the submitted scheme, with the variations to the garages as discussed above, still reflects the existing pattern of development in the surrounding area and causes no harm to the amenities of existing residential occupiers. The dwellings and garages are sufficiently separated from existing properties to ensure that they do not harm existing residential amenities. I consider that the scheme is acceptable and meets the aims and objectives of PPG3 and development plan policies.

8.0 RECOMMENDATION

- 8.1 I recommend that planning permission be granted in respect of application no. S6/2004/437/FP subject to the following conditions;
1. SC01 Time limit full permission
 2. SC19 Materials details to be approved
 3. SC09 Landscaping scheme full permission
 4. SC25 Levels
 5. SC26 Setting out

- 8.2 The reason for grant of permission is non-standard:

It is considered that the proposed development does not have an unacceptably harmful impact on the character of the area in which it is located or residential amenity as:

The development proposed is in keeping with the character and appearance of the locality in terms of scale and design, does not result in unacceptable overlooking or loss of privacy and does not have an unacceptably dominating or overbearing impact with regard to neighbouring residential uses.

BACKGROUND PAPERS

Hertfordshire Structure Plan Review 1991-2011

Hertfordshire Structure Plan Alterations 2001-2016 (Deposit Draft Feb 2003)

Welwyn Hatfield District Local Plan Alterations No. 1 1998

Welwyn Hatfield District Plan Review (Revised Deposit Version June 2002).

Application file(s) S6/2002/470/FP

S6/2004/437/FP

