

WELWYN HATFIELD COUNCIL
PLANNING CONTROL COMMITTEE 17 DECEMBER 2009
REPORT OF THE DIRECTOR (STRATEGY & DEVELOPMENT)

S6/2009/2047/FP

OAK COTTAGE RESIDENTIAL HOME, 4 WILKINS GREEN LANE, HATFIELD,AL10
9RT

ERECTION OF REAR CONSERVATORY AND RETENTION OF EXISTING
OUTBUILDING

APPLICANT: Mr F Thellan

(Hatfield West)

1 Site Description

- 1.1 The site is located within the specified settlement of Hatfield as designated by the Welwyn Hatfield District Plan 2005 and within the Watling Chase Community Forest. The application site is situated to the north of Wilkins Green Lane and consists of residential care home for the elderly, a detached bungalow and gardens to the front and rear. Wilkins Green Lane has a semi-rural character with agricultural land to the south and large detached houses set within spacious plots to the north.
- 1.2 The application site is rectangular in shape measuring approximately 80m in depth x 30m in width. The care home and the bungalow share amenity space, a parking area and single access from Wilkins Green Lane. The bungalow is an annexe to the care home which was granted planning permission in 1990 for use as an annexe (S6/1990/188). The site boundaries are defined by mature planting consisting of a variety of trees shrubs and hedgerows. The rear garden is mostly laid to lawn with a partially constructed outbuilding located to the north east corner of the site.

2 The Proposal

- 2.1 This application seeks full planning permission for the erection of a rear conservatory and retention of existing outbuilding.
- 2.2 The proposed conservatory would be located to the rear of the bungalow and would measure approximately 3m in depth x 8.7m in width. The conservatory would feature a hipped roof approximately 3m in height. The flank elevations of the conservatory would continue in line with the flank elevations of the bungalow maintaining the existing 400mm separation distance from the site boundary to the east.
- 2.3 The partially constructed outbuilding measures approximately 7.7m in depth x 5.2m in width and would feature a hipped roof approximately 4m in height. Externally, it is proposed to finish the outbuilding with timber cladding and a clay tiled roof. Approximately 1m separation distance has been maintained between the outbuilding and the flank site boundary to the east. To the rear of the

outbuilding, between 600mm and 1m separation distance has been maintained to the boundary.

- 2.4 The applicant has submitted revised plans during the course of the application. The changes include (i) omission of glazing to the flank elevation of the conservatory adjoining the boundary with 3 Wilkins Green Lane and replacement with solid wall; (ii) alterations to the external appearance of the outbuilding with timber cladding rather than white render; and (iii) alterations to the roof from a dual pitched roof (with gable ends) to four pitched roofs.

3 Planning History

- 3.1 S6/2008/1822/FP – Erection of two storey rear extension to create four additional bedrooms (Granted 13/02/2008)
- 3.2 S6/2007/1947/FP – Erection of two storey rear extension to create four additional bedrooms (Granted 13/02/2007)
- 3.3 S6/1990/188 – Erection of single storey extension incorporating a two-bedroom residential annex (Granted 30/10/90)
- 3.4 S6/1987/502 – 2 storey side extension (Granted 25/9/87)
- 3.5 S6/86/436 – Single storey extension to rest home for elderly (Refused 31/7/86)
- 3.6 S6/1985/217 – Dormer extension & fire-escape staircase (Granted 6/6/85)
- 3.7 S6/1984/0735 – Change of use to a rest home for the elderly (Granted 15/02/1985)

4 Planning Policy

- 4.1 National Planning Policy:

PPS1 Delivering Sustainable Communities
PPG2 Green Belts (in relation to Community Forrest)

- 4.2 East of England Plan 2008:

SS1 Overall Spatial Strategy
ENV1 Green Infrastructure
ENV5 Woodlands
ENV7 Quality in the Built Environment

- 4.3 Welwyn Hatfield District Plan 2005:

SD1 Sustainable Development
GBSP2 Towns and Specified Settlements
R3 Energy Efficiency
RA11 Watling Chase Community Forest
D1 Quality of Design
D2 Character and Context

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

5 Representations Received

5.1 This application has been advertised by site notice and neighbour notifications. Four letters of representations have been received from three households in Wilkins Green raising the following points:

5.2 Summary of objections:

- Lack of separation between the site boundary and the proposed conservatory and outbuilding.
- The outbuilding would result in loss of light to No.47 Bramble Way.
- The proposed conservatory would result in the loss of privacy to No.3 Wilkins Green Lane.
- Proposed conservatory would extend beyond the rear elevation of neighbouring dwellings.
- The outbuilding and conservatory would result in loss of planting.
- The materials used to construct the outbuilding have the appearance of a more substantial building and not a shed.
- The proposals would result in overdevelopment of the plot that is not in keeping with the character of the surrounding area.
- Affect privacy and security of adjoining dwelling
- Affects the view from adjoining dwelling
- Too large as a garden shed
- Garden shed is an eyesore

6 Discussion

6.1 This application is being brought to Committee for determination as it has been called in by Councillor Atkinson on the grounds of overdevelopment, lack of separation from the site boundary and loss of privacy to No.3 Wilkins Green Lane.

6.2 The main issues for consideration with the application are:

- 1. Quality of Design and Character and Context**
- 2. Impact on Neighbour Amenity**
- 3. Watling Chase Community Forest**
- 4. Other Material Considerations**

1. Quality of Design and Character and Context:

6.3 National Planning Policy Guidance PPS1 Delivering Sustainable Development requires planning authorities to plan for high quality design which is appropriate in its context. Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location. The residential design guidance emphasises that extensions should complement and reflect the design and character of the dwelling and be subordinate in scale. Additionally, extensions should respect existing spacing and not appear cramped on the site and the locality in general, not cause loss of light, materials should match and any overlooking towards living areas of adjacent dwellings should be minimised.

- 6.4 The proposed conservatory would be located to the rear of the bungalow and would not be visible within the streetscene. The design of the conservatory would not have an adverse visual impact upon the character and appearance of the existing dwelling and would be subordinate in scale.
- 6.5 With regard to the outbuilding, the applicant submitted amended drawings during the course of the application in order to minimise the visual impact of the outbuilding. In particular, it is proposed to finish the exterior of the building with timber cladding (formerly white render was proposed) and a hipped roof with clay tiles (formerly the roof was gable ended). The outbuilding is partially screened by existing boundary planting and is not visible within the streetscene by virtue of its location at the rear of the application site. Where the outbuilding can be seen from neighbouring dwellings the timber cladding and roof tiles will weather in time softening its appearance. The materials and appearance of the outbuilding are not considered to be out of character with the area. The proposals are in accordance with PPS1 Delivering Sustainable Development, Policy ENV7 of the East of England Plan 2008 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

2. Impact on Neighbour Amenity:

- 6.6 The outbuilding is located to the north east corner of the application site within close proximity to rear boundary of No.45 and No.47 Bramble Way and No.3 Wilkins Green Lane. A minimum of 35m separates the outbuilding from the nearest dwelling (No.47 Bramble Way). The size, height and location of the proposed outbuilding would not have an overbearing impact on the occupiers of the adjacent dwellings or have any detrimental impact on light amenity by virtue of sufficient separation distance from neighbouring dwellings. No windows are proposed within the north or east facing elevations and therefore there would be no detrimental impact upon the privacy currently enjoyed by occupiers of neighbouring dwellings.
- 6.7 With regard to the proposed conservatory, the applicant submitted amended drawings during the course of the application in order to reduce the potential for overlooking. The amended drawings propose a solid brick wall to the east flank elevation facing towards the flank site boundary and therefore would not result in any additional overlooking to No.3 Wilkins Green Lane than presently exists.
- 6.8 The conservatory is single storey and therefore there is no requirement for a minimum set back from the site boundary. The proposed conservatory would extend in line with the flank elevation of the bungalow thereby maintaining the existing separation distance of approximately 400mm from site boundary with No.3 Wilkins Green Lane. Approximately 12m separation distance exists between the proposed conservatory and the nearest window serving a habitable room to the rear of No.3 Wilkins Lane. The bungalow currently extends approximately 7m beyond the rear elevation of the garage serving No.3 Wilkins Green Lane (being the closest development on this site). The addition of the proposed conservatory would result in a further 3m projection to the rear of the bungalow. This is considered acceptable as the addition of the conservatory would have no greater impact on the amenity currently enjoyed by the occupiers of No.3 Wilkins Green.

- 6.9 To summarise, the proposed conservatory and outbuilding would not result in any loss of amenity to the occupiers of neighbouring dwellings in accordance with PPS1 Delivering Sustainable Development, Policy ENV7 of the East of England Plan 2008 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

3. Watling Chase Community Forest:

- 6.10 Within the boundaries of Watling Chase Community Forest the Council seek to achieve the objectives of the Forest Plan, including landscape improvements. The East of England Plan includes a target to increase woodland cover within community forests by 30 percent by 2030 and to do this new development should make a contribution. The proposed development would not adversely affect any trees or mature vegetation that are considered to be worthy of protection. Furthermore, if permitted a condition should be applied to ensure that an appropriate contribution is made to the tree cover within the application site. A reasonable contribution is considered to be a minimum of one new tree. Subject to the approval of an appropriate landscaping scheme, the proposal would comply with Policies ENV1 and ENV5 of the East of England Plan 2008 and RA11 of the Welwyn Hatfield District Plan 2005

4. Other Material Considerations:

- 6.11 Sustainable Development: The applicant has completed the sustainability checklist in accordance with Policy R3 of the District Plan and SD1 of the Supplementary Design Guidance. The applicant has indicated within the submitted sustainability checklist that the proposed development would not result in any impact on daylight to neighbouring properties due to tree lined boundaries and that the other criteria contained within the sustainability checklist would be considered where applicable.
- 6.12 Trees and Landscaping: It has been suggested that a number of trees were felled prior to the erection of the outbuilding. The felling of these trees did not require consent as they did not benefit from a Tree Preservation Order. The proposed conservatory would not require the removal of any trees and the boundary hedge is located outside of the application site. The conservatory would be set back approximately 400mm from the boundary hedge which is to be retained as stated on the 1:500 Block Plan.
- 6.13 Overdevelopment: The proposed conservatory and outbuilding do not amount to over development of the site by virtue of their location within a spacious rear garden measuring approximately 30m in length x 30m in width, leaving approximately 80% of the rear garden without built form.
- 6.14 Views are not protected by planning legislation. It is therefore not possible to protect the existing views that adjoining residential neighbours have across this site.

7 Conclusion

- 7.1 The proposals comply with the relevant national policies and guidance, policies within the East of England Plan 2008, the Welwyn Hatfield District Plan 2005 and the requirements of the Supplementary Design Guidance (Statement of Council Policy).

8 **Recommendation**

8.1 It is recommended that planning application S6/2009/2047/FP be granted subject to the following conditions:

1. C.2.1 – Time Limit
2. C.13.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details BDL/EXT/312 1 of 7 Rev B & BDL/EXT/312 2 of 7 Rev B & BDL/EXT/312 3 of 7 Rev B & BDL/EXT/312 4 of 7 Rev B & BDL/EXT/312 5 of 7 Rev B & BDL/EXT/312 6 of 7 Rev B & BDL/EXT/312 7 of 7 Rev B received and dated 23 November 2009
3. C.5.1 – Samples of Materials to be Submitted and Agreed
4. No development shall take place until full details on a suitably scaled plan, of native trees, representing a minimum of one new tree within the site's boundaries have been submitted to and approved in writing by the Local Planning Authority. Subsequently, these trees shall be planted and maintained as approved.

The approved tree planting shall be carried out in the first planting and seeding seasons following the completion of the development and any trees which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: The application site lies within the Watling Chase Community Forest and the landscaping of this site is required in order to protect and enhance the existing woodland cover. In accordance with Policies ENV5 of the East of England Plan 2008.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against National Planning Policy PPS1, PPG2 and Policy SS1, ENV1, ENV5 and ENV7 of the East of England Plan 2008 and development plan policies (i.e. Welwyn Hatfield District Plan 2005 SD1, GBSP2, R1, R3, RA11, D1 and D2 in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. 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:

None

Chris Conway, Director (Strategy & Development) (MP)

Date 26 November 2009

Background papers to be listed (if applicable)

