

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2010/0236/FP
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NOTATION:

The site lies within the settlement of Brookmans Park as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application site is currently part of the rear garden area to a detached property (no 101) on the corner of Brookmans Avenue and Golf Club Road. The application site forms a roughly rectangular piece of land. The site is accessed via Golf Club Road, which is a privately own road providing vehicular access only to a golf club, school and a small number of properties. The Council's records show Golf Club Road to be a public right of way. To the south, east and west of the application site the surrounding area comprises linear development of mostly, individually designed detached properties. To the north of the application site the surrounding land falls within the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL:

The proposed development would involve the subdivision of number 101's plot and the erection of a detached two-storey house.

The proposed plot would approximately measure 18m in width by 45m in depth and be roughly rectangular. The proposed dwelling would be set back from the front boundary of the plot by roughly 8.5m. The dwelling would approximately measure 11.6m in width by 12.4m in depth. The proposal's roof would have a ridged design to the front and a double hipped design to the rear. To the centre of the front elevation the proposal would have a gable projection. The dwelling would be mostly rendered with a plain tiled roof and Georgian design, which would reflect the appearance of number 101.

PLANNING HISTORY:

The application site has planning history relating to extensions and outbuilding to the main property, but none relevant to the proposed dwelling.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy
PPS1: Delivering sustainable development
PPS3: Housing
PPG13: Transport

East of England Plan 2008
SS1: Achieving Sustainable Development
SS2: Overall Spatial Strategy
ENV7: Quality in the Built Environment

T14: Parking

Hertfordshire Structure Plan Review 1991 – 2011:
None.

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP2: Towns and specified settlements

H2: Location of windfall Residential Development

R3: Energy Efficiency

R5: Waste Management

RA25: Public Rights of Way

M14: Parking standards for new developments

D1: Quality of design

D2: Character and context

D5: Design for movement

D7: Safety by Design

D8: Landscaping

D9: Access and Design for people with disabilities

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS

Hertfordshire County Council (Planning Policy and Transportation) – No objection subject to conditions.

Hertfordshire County Council (Public Rights of Way Service) – No objection informative details provided.

Welwyn Hatfield Tree & Landscape – No objection subject to conditions

Welwyn Hatfield Contract Services – Comments noted that refuse and recycling should be presented at the boundary with Golf Club Road.

The Environment Agency – The application was assessed as having a low environmental risk. Therefore comments were not provided as it is for the LPA to carry out a further assessment.

Thames Water – No objection. An informative was include regarding surface water drainage.

NORTH MYMMS PARISH COUNCIL COMMENTS

In order to blend with nearby properties, clay roof tiles should be used and the external walls rendered instead of stone dressings. Further comments were received noting that Golf Club Road is not adopted and suggesting access may only be allowed with the permission of the owner of the road.

REPRESENTATIONS

This application has been advertised by neighbour notification letters and a site notice and 4 representations have been received. Two representations were received from neighbouring residents. A representation was received from Brookmans Park School. A representation was also received from Chancellors School. Period expired 11 May 2010.

The representations are summarised below:

- Golf Club road is owned by owned by Chancellor's School
- Concern was raised over the proposed new access, being on a narrow part of the road, which is close to the pedestrian entrance to the school, therefore, the proposal could compromise pedestrian safety.
- The proposal would set a precedent
- Loss of mature trees
- An additional driveway on Golf Club Road
- The proposal would change the whole complexion of this part of the village
- The dwelling would overlook part of the garden beyond the proposed plots rear boundary.
- Concern was raised over a strip of land separating the application site and Golf Club Road not being in the applicants ownership.
- Concern was raised over the applications reference to an existing access.
- Concern was raised that the boundary positions had not been illustrated correctly.
- Objection was raised over windows overlooking the adjacent boundary to the north.

DISCUSSION:

The main issues are:

- 1. The principle of development on the application site**
- 2. The proposed development's impact upon the character and appearance of the locality**
- 3. The proposed development's impact upon the residential amenity of the adjoining occupiers**
- 4. Parking and Highway Safety**
- 5. Other Material Planning Considerations**

1. The application site is located within the settlement and on the garden land of an existing dwelling. The application site is considered to be previously developed land and the development site would meet the tests of Policy H2. Therefore, in principle, new residential development could be site on the application site, however, the application should meet the other relevant policies of the Welwyn Hatfield District Plan 2005.

2. The application site is within an area of predominantly detached properties set on spacious plots. The proposed development would maintain an appropriate distance from the neighbouring properties and outbuildings to appear appropriately sited. The proposed dwelling would be set back from the front boundary adjoining Golf Club Road and roughly align the number 101's side elevation. This positioning would allow the proposed dwelling to appear appropriately placed and not appear out of place.

Due to the proposed dwelling being separated from number 101 by a section rear garden, the property would reflect the spacious character of the surrounding area. The proposed dwelling would not have adjacent properties in close proximity and it would not appear cramped. The proposed dwelling would be sited an appropriate distance from the flank boundaries of the plot.

In terms of size, shape and siting the proposed dwelling would be reflective of the existing properties within the locality. The height of the proposal's roof has been limited by its design. The proposal's height is considered to be acceptable and the dwelling would not appear overly dominant when viewed from the surrounding area. The proposed plot would be smaller than some of the adjacent plots, but the proposed subdivision would not appear cramped or out of place. The remaining plot for number 101 would be large and spacious.

The proposed dwelling would have a Georgian design, which would be similar to number 101. The surrounding properties vary in design and style, particularly the properties on Brookmans Avenue. The existing variations in the surrounding street scene give some flexibility to the design of new additions.

The proposed layout would allow the retention of some existing soft landscaping to the front of the property to help soften the appearance of the proposed dwelling.

3. The proposed dwelling would be sited to the rear of the adjacent properties on Brookmans Avenue. The proposed plot would have a rear boundary that forms part of the side boundary at the rear of number 99 Brookmans Avenue's garden. Therefore, the application plot would not have a back to back relationship with another property and views to the rear of the proposed dwelling would be towards the bottom part of adjacent rear gardens.

The proposed plot would have a rear garden depth of approximately 25m. This distance is considered to be reasonable and sufficient to prevent adverse overlooking. It has been noted that the design guidance of the Welwyn Hatfield District Plan 2005, stipulates that development within areas of older more spacious housing may require greater garden sizes. However, in this case, the proposed garden is considered to be sufficient and comparable to other plots within the locality. The distance separating the proposed dwelling is adequate and would ensure that the adjacent properties would not suffer an adverse loss of privacy.

Furthermore, the siting of the proposed dwelling would not allow overlooking of private amenity space of surrounding number 99's rear elevation. Areas to the rear of gardens can often be slightly overlooked by adjacent properties and are not considered to require the same level of privacy as the area close to the dwelling.

The proposed dwelling would be sited a sufficient distance from the neighbouring properties to ensure that it would not have an overbearing impact or result in a significant loss of light. Due to the distance and boundary screening between the adjacent properties the proposed dwelling would not appear overly prominent from these properties.

The proposed development would therefore not have an adverse impact upon the residential amenities of the adjoining occupiers. The application would comply with the requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

4. The plans have indicated the application site to provide off road parking for 3 cars. The application site lies within zone 4 as designated by the parking standards of the Welwyn Hatfield District Plan 2005. The parking standards require a property with 4+ bedrooms to provide 3 off road spaces. The proposed parking arrangements would also provide sufficient turning space to allow vehicles to enter and leave the site in a forward gear. The proposed parking arrangements are considered to be acceptable and would meet the requirements of the parking standards and policy M14 of the Welwyn Hatfield District Plan 2005.

The application site would be accessed via a private road which is also a public right of way. The application has been assessed by Hertfordshire Highways who have recognised that there is no footpath and access road is used by the school. To prevent conflict with pedestrians and vehicles accessing the property it has been suggested that visibility splays are provided and retained for the plot. This would result in the removal of vegetation to the front of the plot. It has been noted that the applicant only has control of the land to the south of the application site, however, to the north is an open paddock area, which has a chain linked fence demarcating the boundary with Golf Club Road.

The proposed development would not adversely affect the convenience, setting or amenity of adjacent public right of way. Subject to adequate visibility splays being created the safety of the public right of way would not be compromised. The application is therefore considered to meet the requirements of Policy RA25 of the Welwyn Hatfield District Plan 2005.

6. The application site has several mature trees, some of which would be removed as part of the development. The application has been assessed by the Council's Tree Officer, although some of the trees within the application site add character to the area they are not worthy of protection. Several of the existing trees could be protected during construction and an appropriate landscaping scheme would help the development harmonise with the character and appearance of the surrounding area. A landscaping scheme could be ensured by condition and the development would therefore meet the requirements of Policy D8 of the Welwyn Hatfield District Plan 2005.

Two representations noted that neighbouring occupiers were not consulted. Where the land ownership is clear the adjacent properties were sent letters at the start of the application process. The land ownership of the access road and adjacent paddock was not clearly evident both off plan and on site. Also the Golf Club and School buildings are some distance from the site. A site notice was posted close to the site for 21 days to inform any other landowners and residents of the application. This gave a good level of consultation and was in accordance with Welwyn Hatfield Council's Statement of Community Involvement and legislative requirements.

Several representations have been made in relation to the boundary positions and land ownership. The agent has signed certificate A of the application forms to indicate that the land forming the application site is within the applicant's ownership. It should be noted that planning permission would not absolve the applicant of any other legal requirements or other consents required. Therefore, if consent is granted the applicant would have to address any legal access requirements separately.

If the application site has not been illustrated accurately this may affect the validity of any consent and an informative is considered to be sufficient to bring this to the applicant's attention.

The application site is not within a flood risk area and would remain surrounded by large areas providing natural drainage. An appropriate landscaping scheme could ensure that new paving areas have permeable drainage and the development would not pose a significant flood risk.

The application was submitted with a sustainability checklist. The checklist notes that the development would be built to be energy efficient and comply with building regulations, it also notes that energy/ water efficient fixtures and fittings would be

used. Considering the development comprises a single new dwelling these provisions are a reasonable effort to meet the requirements of Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005.

The application plot would be smaller than the adjoining plots. To ensure that any further additions would not have an adverse impact upon the adjoining occupiers is necessary to assess which permitted development rights should be removed. The proposed dwelling would have a relatively tall large roof space. To ensure that this area is not altered in a way that would result in overlooking or a loss of residential amenity to the neighbouring properties, it is considered necessary to remove permitted development rights for roof alterations permitted under classes B and C. As the applications site would not have a linear relationship with the adjacent properties further extensions could be noticeable when viewed from the neighbouring plots. To ensure that future extensions would not have an adverse noticeable impact on the adjacent properties it is considered appropriate to remove permitted development rights for extensions permitted under class A.

CONCLUSION:

The proposed dwelling would not have an adverse impact upon the character and appearance of the locality or the residential amenity of the adjoining occupiers. The proposed removal alterations to soft landscaping could be mitigated by the implementation of an appropriate landscaping scheme. Subject to the creation of adequate visibility splays the development would not have an adverse impact upon highway safety. Subject to conditions the proposed development is considered to be acceptable and would meet the relevant requirements of the Welwyn Hatfield District Plan 2005.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1: Standard Time Limit
2. C.13.1: Development in accordance with approved plans/details 9317/P/010 A & 9317/P/011 B received and dated 22 March 2010.
3. C.5.1: Material to be submitted and agreed
4. C.4.1 - Scheme of landscaping to be submitted and agreed
5. C.4.2 - Implementation of landscape planting
6. C.4.5 - Retention and protection of trees and shrubs for the duration of development
7. C.7.9 - Obscure glazing to first floor north facing flank window of dwelling
8. Permitted Development Rights withdrawn

The following Classes of Schedule 2 Parts 1 & 2 of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that Order with or without modification) are withdrawn in respect of the development hereby permitted :-

Part 1

Class A - enlargement improvement or other alteration to the dwellings

Class B - enlargement consisting of an addition to the roofs

Class C - alteration to the roofs

No development of any of the above classes shall be constructed or placed on any part of the land the subject of this permission.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

9. Concurrent with the use of the access, visibility splay of 2.4m x 43m shall be provided and permanently maintained in each direction which there shall be no obstruction to visibility between 600m and 2m above carriageway level.

REASON: to provide adequate visibility for drivers entering and leaving the site. In accordance with PPG13.

10. C.8.9: Parking area to be laid out and surfaced with an approved scheme

11. All areas for parking and storage and delivery of materials associated with the construction of this development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway.

REASON: In the interest of highway safety and free and safe flow of traffic in accordance with Planning Policy Guidance Note 13 Transport.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

Reason for Grant of Full Planning Consent:

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPS3, PPG13, East of England Plan 2008 SS1, SS2, ENV7 and development plan policies SD1, GBSP2, H2, R3, R5, M14, D1, D2, D8, D9 of the Welwyn Hatfield District Plan 2005, 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:

1. INF2: Land ownership
2. INF6: Street naming and numbering
3. The applicant's attention is drawn to the response from Hertfordshire County Council Public Rights of Way Service.

Signature of author..... Date.....