

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>S6/2010/2260/FP</b>
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**NOTATION:**

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

**DESCRIPTION OF SITE:**

The application dwelling is a detached house within the settlement of Cuffley. The application plot slopes downwards to the rear. The rear boundary of the plot backs onto the side boundary of a of a neighbouring plot and it's frontage. Beyond the southern flank boundary is a footpath and access road that serves a separate development.

**DESCRIPTION OF PROPOSAL:**

The proposed development is an amended scheme to the approval under reference S6/2009/1922/FP. The proposal has been enlarged in depth and height and the proposed roof would have a half hipped design.

The proposal consists of the erection of an outbuilding to the rear of the site. The proposed outbuilding would approximately measure 11.2m in width by 4.6m in depth with a pitched roof to a maximum height of 4.5m. The proposed eaves height would has been dimensioned to be 2.4m at the top of the gutter and a maximum eaves height of approximately 3.2m to the side elevations.

**PLANNING HISTORY:**

S6/1986/0028/FP – Single storey rear extension, two storey side and rear extension and loft conversion – Approved.

S6/1997/0823/FP – Erection of detached garage – Refused.

S6/2004/0973/FP – Extension of roof – Approved.

S6/2009/1178/LU – Certificate of lawfulness for proposed erection of single storey building for use as gym sun room and store – Refused.

S6/2009/1922/FP – Erection of single storey out building for use as gym – Approved.

**SUMMARY OF DEVELOPMENT PLAN POLICIES:**

National Policy

PPS1: Delivering sustainable development

East of England Plan 2008

SS1: Achieving Sustainable Development

ENV7: Quality in the Built Environment

Hertfordshire Structure Plan Review 1991 – 2011:  
None.

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP2: Towns and specified settlements

R3: Energy Efficiency

D1: Quality of design

D2: Character and context

D8: Landscaping

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

## **CONSULTATIONS**

### **NORTHAW & CUFFLEY PARISH COUNCIL COMMENTS**

No comment received.

## **REPRESENTATIONS**

This application has been advertised and one representation has been received.

Period expired 06 December 2010.

A representation was received from a local resident, which stated the photos which had been submitted did not resemble the proposal and that any further development of the site would be excessive.

## **DISCUSSION:**

**The main issues are:**

- 1. The proposal's impact upon the character and appearance of the locality**
- 2. The proposal's impact upon the residential amenity of the adjoining occupiers**
- 3. Other Material Planning Considerations**

1. The proposed outbuilding would be a larger addition than the development previously approved under application number S6/2009/1922/FP. The proposal would have a bulkier 'Dutch barn' design, with half hipped sides to the roof and a taller ridge height.

The proposed development would be sited to the rear of the application plot, which backs onto a no through road and the frontage of a neighbouring house. The rear of the plot is enclosed by a tall close boarded fence and there is a hedge within the fence, which creates an additional screen across the rear boundary.

The proposed outbuilding would be sited close to the rear boundary of the plot, but would retain a distance of approximately 0.5m from the adjacent boundaries. This would allow the retention of existing vegetation and ensure that the proposal would not appear cramped within the plot's boundaries.

The neighbouring plots have outbuildings and sheds, however, the proposal would be approximately 2m higher than the existing adjacent garage and the shed within the application site. Due to the proposed large roof space and bulky design, the outbuilding would appear dominant and too noticeable from the surrounding areas. When compared to the previous approved scheme, the proposal would have a greater height above the adjacent hedge and the scale of this addition would not be

in keeping with the surrounding residential outbuildings. Furthermore, an insufficient amount of space would be retained from the boundaries and the access area to the rear to prevent the proposal from appearing cramped and awkward.

In summary, the size and design of the proposed outbuilding is inappropriate for its location and as a result it would appear overly dominant and out of place. The proposal would appear cramped and too prominent when viewed from the surrounding area, which provides access to the neighbouring plots. Therefore, the application fails to meet the design requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

2. The proposed development would be sited closest to number 12 South Drive, which has a frontage near the rear boundary of the application plot. The previously approved scheme had a hipped roof and lower ridge height, which would offset the impact of what would be viewed above the adjacent boundary treatment. However, the proposed outbuilding would have a greater height and a large area would be viewed above the adjacent boundary treatments. The additional bulk of the proposal would be clearly visible and too prominent, when viewed from the neighbouring plot and front facing windows.

Although the proposal would be larger than the previously approved scheme, the same distance would be maintained from the shared boundary. The distance from the boundary is not appropriate for an addition of this size and would not offset the dominance and prominence when viewed by the occupants of number 12 South Drive.

The proposal would affect the outlook of the adjoining occupants and have an adverse impact upon the residential amenity of the adjoining occupiers.

The application would therefore fail to meet the requirements of the Policy D1 of the Welwyn Hatfield District Plan 2005.

3. The proposed development would be sited close to an existing tree and a hedge at the rear boundary. Although it would be preferable for these features to be retained, they are not worthy of protection and therefore could be removed at any time. The applicant has confirmed that the existing hedge to the rear of the plot would be retained and the plans show the tree as being retained. When considering the other vegetation that surrounds the application plot, the retention of the hedge to the rear is considered to provide an acceptable amount of soft landscaping. The application therefore complies with the requirements of Policy D8 of the Welwyn Hatfield District Plan 2005.

The presence of protected species is a material consideration, in accordance with PPS9 (Biodiversity and Geological Conservation), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: *"a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."* The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals, however the existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would a EPS offence be likely

to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

The application has been considered against policies in the East of England Plan, which at the time of this decision forms part of the development plan for the borough. On 10th November 2010, The High Court quashed the decision of the Secretary of State for Communities and Local Government to unilaterally revoke Regional Spatial Strategies in England on two grounds:

- That he acted outside his statutory powers in circumventing the need for parliamentary scrutiny of such a fundamental change to the national planning system; and
- He failed to consider the likely environmental effects of revoking Regional Strategies

Whilst the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Bill, which is expected to begin its passage through Parliament before Christmas, the policies in the East of England Plan are re-established and form part of the development plan again and are therefore a material consideration which can be taken into account in reaching a decision.

The application has been submitted with a sustainability checklist. The checklist makes a limited effort to address the requirements. It has been noted that all trees and hedges are to be preserved. Considering the proposal comprises a residential outbuilding without any primary habitable rooms, the proposal would be acceptable when considered against Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005.

#### **CONCLUSION:**

The proposed development would have an adverse impact upon the character and appearance of the locality. The proposal would appear overly prominent and dominant within the outlook of the adjacent property to the north east, this would adversely affect the residential amenity of the adjoining occupiers. The proposed development would therefore fail meet the requirements of the Welwyn Hatfield District Plan 2005.

#### **RECOMMENDATION: REFUSAL AND REASON**

The proposed outbuilding would appear too tall, dominant, cramped and prominent within the surrounding streetscene, which would give the proposal an inappropriate appearance for its siting affecting the visual amenities of the streetscene. The outbuilding would also appear too dominant and overly prominent when viewed from the neighbouring property to the north east (12 South Drive). As a result the occupants of this adjacent dwelling would suffer an adverse loss of outlook and residential amenity. The proposed development has therefore failed to meet the requirements of PPS1, East of England Plan 2008 Policy ENV7 and Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005

**INFORMATIVES:** None.

**DRAWING NUMBERS:**

Site Location Plan 1:1250 & ELA/3 REV02 & ELA/6 REV01 & ELA/7 REV02 & ELA/8 REV02 & ELA/9 REV 01 received and dated 12 October 2010.

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