

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/0032/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 a corner plot at the junction of Brookmans Avenue and Golf Club Road. The site accommodates a large detached dwelling and a large detached garage/ outbuilding on a spacious plot. The boundaries of the plot are mostly screened by tall dense mature hedges and trees. The plot backs onto a golf course which is within open Green Belt land. The surrounding area is characterised by individually designed detached properties set on large spacious plots.

DESCRIPTION OF PROPOSAL:

The proposed development would involve the construction of a detached garage to the front of the plot. The proposal would measure 6.95m by 6.95m with a gabled ended projection over the front elevation creating a canopy area, giving a maximum depth of approximately 7.8m. The proposal would have a ridge height of 4.5m and a chimney to a maximum height of 5.5m. The proposal would involve the removal of five trees.

PLANNING HISTORY:

S6/1992/0265/FP – Extensions and alterations incorporating part single storey, part two storey rear, first floor side, single storey front, detached garage/ outbuilding, new entrance with balcony over, terraces with balustrading – Approved

S6/2009/1545/FP – Erection of a detached double garage – Refused (28 September 2009).

S6/2009/1551/FP – Conversion of existing double garage – Approved (28 September 2009).

S6/2010/0236/FP – Erection of five bed detached dwelling – Approved (17 May 2010).

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

East of England Plan 2008

SS1: Achieving Sustainable Development

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
R3: Energy Efficiency
M14: Parking standards for new developments
D1: Quality of design
D2: Character and context
D8: Landscaping
Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS

Welwyn Hatfield Trees and Landscape – Objection was raised on the grounds that the application had not demonstrated that the development could be constructed without resulting in a detrimental impact upon the health of a large Oak tree to the front of the plot. This tree is considered to be of high amenity value and worthy of retention.

HATFIELD TOWN COUNCIL COMMENTS

No comment received.

REPRESENTATIONS

None. Period expired 4 March 2011.

DISCUSSION:

The main issues are:

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

1. The application dwelling is located on a corner plot but does appear prominent within the street scene due to the tall boundary treatments that create a dense screen. Due to the dwelling being set back away from the boundaries the area of the proposal is not viewed from the surrounding area.

The neighbouring properties are predominantly individually designed detached houses, but there are some repetitive characteristics which define the character of the area. The application dwellings and neighbouring properties have a linear layout, with their front elevations set back from the frontages of the plot by a similar distance. Garages and outbuildings forward of the dwelling's front elevation are not a feature within the surrounding street scene.

The proposal would be sited close to the boundary and involve the removal of trees that add to the screening of this area. Although these trees are not protected and the loss of them would not have an adverse impact upon the character and appearance of the street scene, they add to the vegetation that screens the dwelling and prevents it from appear prominent within the street scene.

The proposed garage would sit in the corner of the plot at the point where Brookmans Avenue meets Golf Club Road. The proposal would be visible above the existing boundary treatments and would be noticeable from the surrounding area. A structure in this position would not reflect the existing layout of the street and would appear out of place. The proposal's size and height would worsen its prominence and mean that it would be visible from a wide surrounding area.

It has been noted that the existing boundary hedge is tall and would partly screen the proposal. However, this vegetation cannot be relied upon as a permanent screen and if it were to be reduced or removed the proposed garage would be a very dominant feature within the street scene.

The proposed garage has been designed to reflect the appearance of the main house. Although this would be appropriate as the garage would appear in keeping with the other development within the plot, this appearance is relatively bold and imposing, which would not appear discrete close to the plot's boundaries.

The overall appearance of the proposed garage would have an adverse impact upon the character and context of the surrounding area and this would fail to meet the requirements of Policy D2 of the Welwyn Hatfield District Plan 2005.

2. The proposed development would maintain a sufficient distance from the neighbouring properties to ensure that the adjoining occupiers would not suffer an adverse loss of residential amenity. The proposal would be single storey and would not result in any further overlooking.

3. The proposed development would involve the removal of five trees and would be within close proximity to a large Oak tree at the front of the plot. Within the application, there is no indication as to what method of foundations will be used. As the building is small and light and very close to an existing mature oak tree, it may suffer from seasonal movement. This oak is a very visible tree with a high amenity value. An Arboricultural Method Statement is a necessity. This document should comply with BS5837:2005 Tree in Relation to Construction. This should include information such as pre-development works, barriers and ground protection (inc location plan), prohibitions, provision for a working zone and method of construction. Without this statement it was recommended that the application should be refused.

The application site has a large area of hardstanding to the front of the dwelling which can accommodate several cars. The parking proposed development would not affect the existing parking provision.

The application has been submitted with a sustainability checklist which notes recycled materials would be considered. As the proposal comprises a non-habitable outbuilding these provisions are considered to be a reasonable effort to meet the requirements of Policy R3 of the Welwyn Hatfield District Plan 2005.

Protected Species: 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 an EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

East of England Plan 2008: 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, the policies in the East of England Plan are currently 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.

CONCLUSION:

The proposed development would have an adverse impact upon the character and context of the surrounding area. Due to the proposal's size, siting and appearance it would be dominant and obtrusive within the street scene. The application site is on corner plot, which means the development would be prominent from several angles and adversely affect the visual amenities of the street scene.

RECOMMENDATION: REFUSAL & REASON

1. The proposed development would have an adverse impact upon the character and appearance of the surrounding street scene. By reason of the proposal's height, bulk, design and siting close to the boundaries with the public highway, the development would appear overly prominent, dominant and out of place within the surrounding street scene. The proposal would fail to harmonise with the character and context of the locality and therefore would not meet the requirements of Policy D2 of the Welwyn Hatfield District Plan 2005.
2. The proposed development would be within close proximity to a mature Oak tree, which makes a valuable contribution to the street scene. The application has been submitted without a method statement that is in compliance with BS5837:2005 Tree in Relation to Construction. The application has therefore

not demonstrated the development's impact upon the tree and that the development would not suffer from subsidence once built. The application has therefore failed to meet the requirements of Policy D8 of the Welwyn Hatfield District Plan 2005.

INFORMATIVES: None.

DRAWING NUMBERS:

9317/P002 C & 9317/P003 C and date stamped 02 February 2011.

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