

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/0040/FP
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NOTATION:

This site is located within the town of Hatfield as outlined in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application site is located on the east side of Campion Road and consists of an end of terrace two storey dwelling with front and rear garden. The surrounding area and street scene are residential in character and contain a number of dwellings similar in respect of both size and appearance. The rear garden of the property measures approximately 4.5m in width x 11m in depth and is bound to the south and east by a brick wall approximately 1.8m in height. The boundary to the south, which adjoins No.109 Campion Road, is defined by a fence approximately 1.8m in height. A footpath providing access to Poppy Walk passes along the Northern side boundary of the application site.

DESCRIPTION OF PROPOSAL:

This application seeks full planning permission for the erection of a rear conservatory. The conservatory would measure approximately 2.5m in depth x 3m in width with a hipped roof measuring approximately 3.1m in height. Approximately 300mm separation distance would be retained between the flank elevations of the conservatory and the common boundary with No.109 Campion Road. The conservatory would be constructed from white upvc with double glazed windows and a polycarbonate roof.

PLANNING HISTORY:

S6/1999/0884/FP – Residential development comprising 370 dwellings, new roads, cycleways, footpaths, landscaping and public open space (Granted 30/06/2000)

S6/2001/0577/FP – Residential development comprising 370 dwellings, new roads, cycleways, footpaths, landscaping and public open space. (Revision to planning permission S6/1999/0884/FP) (Granted 26/03/2002)

S6/2001/1338/FP – Residential development comprising of 200 dwellings, new road, cycle ways, footpaths, landscaping and public open space. (Revisions to planning permissions S6/1999/0884/FP and S6/2001/0577/FP) (Granted 28/03/2002)

Each of the above planning consents included the following planning condition:

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no development falling within Classes A, B, D or F of Part 1 or Classes A or B of Part 2 to Schedule 2 to that Order shall be carried out without the

prior written permission of the Local Planning Authority, granted on application.”

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Planning Policy:

PPS1 Delivering Sustainable Communities

PPS9 Biodiversity and Geological Conservation

East of England Plan 2008:

SS1 Achieving Sustainable Development

ENV3 Biodiversity & Earth Heritage

ENV7 Quality in the Built Environment

Welwyn Hatfield District Plan 2005:

GBSP2 Towns and Specified Settlements

SD1 Sustainable Development

R3 Energy Efficiency

D1 Quality of Design

D2 Character and Context

Welwyn Hatfield District Plan, Supplementary Design Guidance, 2005

CONSULTATIONS:

None

TOWN/PARISH COUNCIL COMMENTS:

Hatfield Town Council – No response (Consulted 27/01/2011)

REPRESENTATIONS:

The application was advertised by neighbour notification letters. No letters of representation were received.

DISCUSSION:

The main issues are:

1. Quality of Design and Impact on the Character of the Area
2. Impact on the Residential Amenity of Neighbouring Properties
3. Other Material Considerations

1. Quality of Design and Impact on the Character of the Area

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 proposed conservatory would appear subordinate in scale to the original dwelling, would respect existing spacing and not appear cramped on the site. The design and material are considered to be typical of a conservatory located within a residential setting and not out of character with the area. The proposals comply with PPS1 Delivering Sustainable Development and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

2. Impact on the Residential Amenity of Neighbouring Properties

The proposed development is most likely to affect the occupiers of the adjoining dwelling to the north, No.109 Campion Road, which features a glazed door and a window within the rear elevation. The glazed door and window both serve a kitchen/dinner. The proposed conservatory would be separated by approximately 1.5m from the glazed door and approximately 3m from the window.

The conservatory would project approximately 2.5m beyond the existing rear elevation and the flank wall would measure approximately 2.3m in height to the eaves. The ridge would reach approximately 3.1m in height, however, the roof would both slope away from the site boundary and end in a hipped element. With regards to sunlight/daylight, the impact on amenity is likely to be minimal by virtue of the intervening boundary fence, the modest height of the conservatory, the light colour of proposed materials and the reasonable degree of separation that would be maintained between the proposed conservatory and the windows within the rear elevation of No.109 Campion Road. Furthermore, given that the structure would be seen above the existing 1.8m high boundary fence, it is considered that the relatively modest conservatory would not appear unduly oppressive or overbearing when viewed from the adjacent dwelling.

It would be reasonable to attach a condition requiring windows within the south facing flank elevation to be fixed and obscure glazed below a height of 1.8m measured internally to ensure the potential for overlooking does not significantly increase. No neighbour representations were received and Hatfield Town Council did not comment. Overall it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level in accordance Policy D1 Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

3. Other Material Considerations

Sustainable Development: The applicant has submitted details of how the proposal would contribute towards sustainability in accordance with policies SD1 and R3 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance, 2005. The applicant has indicated within the submitted sustainability checklist that the conservatory would not impact upon neighbour amenity; windows would be double glazed and the floor would be insulated.

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 a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

East of England Plan 2008: 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

However, the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Bill. In the meantime, 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. However, the Government's intention to abolish Regional Spatial Strategies is also a material consideration that could be considered to reduce the weight to be attached to policies in Regional Spatial Strategies.

The application has been considered against policy(ies) in the East of England Plan, which at the time of this decision forms part of the development plan for the borough but that the weight accorded to these policies, in light of the above circumstances, has been carefully considered in reaching a decision.

CONCLUSION:

The proposed development is considered to be in accordance 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).

RECOMMENDATION: APPROVAL WITH CONDITIONS

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 1:1250 Site Location Plan & 4440-02 & 4440-03 received and dated 19 January 2011

POST-DEVELOPMENT

3. C.5.2 – Matching Materials
4. C.7.9 – Fixed and Obscured Glazing (South Elevation)

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against Planning Policy Statement/Guidance PPS1 and PPS9, East of England Plan 2008 policies SS1, ENV3 and ENV7 and development plan policies GBSP2, SD1, R3, D1, D2 and Supplementary Design Guidance of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision 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

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