

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	N6/2011/69/FP
APPLICATION Site:	83 Eddington Crescent, WGC

NOTATION:

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

DESCRIPTION OF SITE:

83 Eddington Crescent is a two storey, semi – detached residential dwelling located to the south of the town centre and on the southern side of the highway. The property has had its permitted development rights removed.

DESCRIPTION OF PROPOSAL:

The application proposes to erect a single storey extension at the rear of the dwelling. The proposed extension would feature a lean to roof and would measure approximately 3 metres deep, 5.2 metres wide and 4.2 metres tall.

PLANNING HISTORY:

N6/2004/0357/DE - Reserved matters application following outline permission (c6/482/1988/op) for the erection of 332 dwellings, access road, garages and parking courtyards, consisting of 221 flat/maisonettes and 111 dwelling houses – Refused 02/07/2004

N6/2004/1483/DE -Reserved matters application following outline permission c6/0482/1988/op, for the erection of 309 houses and flats, access roads, garages and parking courtyards - Approved 16/12/2004

N6/2005/0775/FP - Internal and external alterations to block a, b and c to create an additional 6 residential units (as variation of permission n6/2004/1483/de granting reserved matters approval for the erection of 309 houses and flats, access roads, garages and parking courtyards) - Approved 19/09/2005

N6/2005/1006/FP - Amendment to house type to plot 29 to 3 bed end of terrace unit with conservatory - Approved 04/10/2005

N6/2005/1501/FP - Modification of current development proposals comprising an additional six units as follows : amendment to flat block j to add three units following the deletion of unit 144; addition of one flat over garage (fog) adjacent unit 193 with consequent amendment to unit 193. amendments to units 194-197 to provide additional unit (194a) and amendments to units 199-200 to provide additional unit (200a). revisions to car parking provision and layout to the north of unit 128 following erection of electricity substation and amendments to design of garage block to rear of

units 199-200a to form additional car parking (variation of permission n6/2004/1483/de) - Approved 03/03/2006

N6/2005/1553/FP - Erection of rear conservatory - Approved 08/02/2006

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV7: Quality in the Built Environment

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP2: Towns and specified settlements

R3: Energy Efficiency

D1: Quality of design

D2: Character and context

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS

None

TOWN/PARISH COUNCIL COMMENTS

None

REPRESENTATIONS

The application was advertised by means of neighbour notification and a site notice and no representations were received.

DISCUSSION:

- 1. The impact on the character and appearance of the property and the surrounding area.**
- 2. The impact on the amenity of adjoining neighbours.**
- 3. Sustainable Development.**
- 4. Other material planning considerations**

- 1. The impact on the character and appearance of the property and the surrounding area.**

Policies GBSP2, D1 and D2 of the adopted Welwyn Hatfield District Plan seek to provide a good standard of design in all new development and require that all new development respects and relates to the character and context of the area in which it is to be sited. The policies are expanded upon in the Council's Supplementary Design Guidance which requires that residential extensions should be complementary in design and be subordinate in size and scale to the existing dwelling. The impact of a development is assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area.

The proposed rear extension would appropriately feature materials and fenestration to match the existing dwelling and would be positioned appropriately on the rear of the dwelling, which would have minimal impact from the frontage of the street scene.

In terms of the design of the proposed rear extension, which would feature a lean to pitched roof, it is considered that in many parts of Welwyn Garden City, flat roofs are more of a characteristic feature for single storey extensions to properties. However, in the more recently established large scale residential developments, such as where the application property is situated and in the new development areas within Panshanger, the presence of lean to pitched roofs is not uncommon and is not seen to be out of keeping with the nature of single storey extensions in the surrounding area. An example of this is the recently approved extension at 26 Beauchamps [N6/2010/3138/FP] which featured a lean to pitched roof similar to that proposed in this application.

Turning to the scale of the proposed extension, this would be subordinate in scale to the existing dwelling. The proposed development is therefore considered to sufficiently maintain the character and appearance of the property and surrounding area in accordance with policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan and Supplementary Design Guidance, Statement of Council Policy 2005.

2. The impact on the amenity of adjoining neighbours.

The impact of the proposed development on the residential amenity of neighbouring dwellings is considered in terms of the impact on neighbouring properties access to day/sun/sky light and privacy. The proposed extension would be south – western facing and would adjoin the boundary of the site with 85 Eddington Crescent.

The proposed extension would feature a lean to pitched roof, with a height of approximately 4.2 metres tall. The extension would protrude to a depth of three metres. There is an existing fence that measure approximate two metres tall which is located along the boundary and there is no noticeable rise in land height between the properties.

There are a set of double French doors that are located on the rear of the adjoining property at 85 Eddington Crescent, which would be used for the living area and are located in proximity to the boundary of the site where the extension would be located.

The applicant has submitted a supporting statement which identifies that whilst there would be a partial impact on the neighbouring property to receive access to light in particular during the peak hours of the day during the summer, this would be only a partial obstruction and more than 50% of the window would receive light at any one time, with the main time of impact being between approximately 11am and 2pm. Further to this, it is also considered that there is an existing two metre fence along this boundary that already restricts a degree of light to the property. Given these considerations, it is considered that the impact would not be to a degree that would warrant the refusal of the application on these grounds.

In terms of whether the proposal would have an overbearing impact on the amenity of the adjoining occupier, it is considered that the proposed extension would be taller than the existing boundary fence and would protrude to a depth of 3 metres. However, it is also considered that the extension would feature a lean to pitched roof, which would ensure that the entire structure would not be at a height of 4.2 metres. Given these considerations, the proposal would not have an adverse impact on the

amenity of the neighbouring property to an extent that would warrant the refusal of the application on these grounds.

In terms of the privacy of the neighbouring property it is considered that whilst the proposal would feature windows and doors these would not result in any direct overlooking to neighbouring properties.

3. Sustainable development

The applicant has submitted a statement assessing the proposals against the sustainability checklist as required by the Supplementary Design Guidance. The proposals are considered to be in accordance with policies R3 of the District Plan and SD1 of the Supplementary Design Guidance.

4. Other material planning considerations

Inaccuracy of drawings: The drawings submitted with the application annotate that there is an existing garage on the side of the site which is free standing and feature a pitched roof. This is inaccurate as the existing garage is larger than shown and spans over to the neighbouring boundary at 81 Eddington Crescent. However, as the proposed works do not involve any alterations to this garage, this is not considered to prevent the determination of the application for the proposed single storey rear extension.

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: 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 policies 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 would sufficiently maintain the character and appearance of the property and surrounding area, would not impact on the residential amenity of neighbouring dwellings and would be sufficiently energy efficient.

RECOMMENDATION: APPROVAL

1. C.2.1 – Time limit for commencement of development - The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended)

2. C.13.1 – The development shall not be started and completed other than in accordance with the approved plans and details: EC/83/01A & EC/83/02A & EC/83/03A & EC/83/04A received and dated 24 January 2011 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the Local Planning Authority.

POST DEVELOPMENT

3. C.5.2 - Matching materials - The brickwork, bond, mortar, detailing, guttering, soffits and other external decorations of the approved extension shall match the existing dwelling, unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION:

The proposal has been considered against PPS1, PPS9, PPG13, East of England Plan 2008 policies SS1, ENV7 and development plan policies GBSP2, SD1, R3, D1 and D2 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of decision indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan.

INFORMATIVES:

None

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