

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

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| APPLICATION No: | N6/2011/0366/FP |
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NOTATION:

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

DESCRIPTION OF SITE:

The application site forms the right hand side of a pair of semi detached dwellings which are located along a road of similar properties.

The property has a detached structure in the rear garden with a side driveway. Front and rear gardens are associated with the dwelling.

DESCRIPTION OF PROPOSAL:

This application seeks planning permission for the erection of a single storey rear extension and extension to the garage.

The rear extension would have a depth of about 3.6m, width of 6.1m and overall ridge height of approximately 3.2m, which would be designed with a flat roof. The extension to the garage would also be flat roof continue the height of the existing garage. It would have a depth of 1.5m and width of about 2.8m.

The proposal also includes the demolition of the existing chimney to the rear of the property, however this does not require planning permission.

PLANNING HISTORY:

None

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

SS1: Achieving Sustainable Development

SS2: Overall Spatial Strategy

ENV6: The Historic Environment

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

Landscaping – No objections

TOWN/PARISH COUNCIL COMMENTS

None

REPRESENTATIONS

This application has been advertised and 0 representations have been received.
Period expired.

DISCUSSION:

The main issues are:

- 1. Whether the proposal would preserve or enhance the character and appearance of the surrounding area;**
- 2. Whether the proposal would impact on the residential amenity of the neighbouring properties;**
- 3. Other Material Planning Considerations**

1. Policies GBSP2, D1 and D2 of the adopted Welwyn Hatfield District Plan apply which 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. These 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 harmonizes with the existing building and area.

The site is also located in a Conservation Area, therefore due consideration must be given to ensure that new development makes a positive contribution to the character and local distinctiveness of the environment. The consideration of design should include scale, height, massing, alignment, materials and use in accordance with the policies of PPS5 – Planning for the Historic Environment.

The proposed extensions would increase the mass and bulk of the existing property, however they would be designed with a flat roof which is characteristic of the garden city which would help to reduce the overall bulk and scale of the extension. They would both be subordinate to the original property. Additionally both extensions would be to the rear of the property and would not be visible from a public view point. An adequate level of amenity space would also be retained for the occupiers of the dwelling.

In relation to the detailed design and appearance of the extension it is considered that the architectural detailing of the original property would be reflected within the proposed extensions where the fenestration would reflect the fenestration of the existing dwelling and surrounding properties. The flat roof of the extension would be characteristic of the garden city. The materials to be used in the development would

match the existing property and garage, however a condition would be placed on any permission granted, to ensure this.

Overall the proposed extensions are considered to be subordinate to the original dwelling and sympathetic to the form and style of the existing property. It would have no discernible presence in the street scene and would not be unduly harmful to the character and appearance of the area and would thus comply with PPS1, PPS5 and policies GBSP2, D1 and D2 of the District Plan.

2. 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, privacy and overshadowing. Policy D1 of the District Plan applies which seeks to provide a good standard of design in all new development. The Council's SPD on design supplements Policy D1 and expects that residential applications for extensions and alterations should not cause loss of light or be unduly dominant from adjoining properties, as a result of either the length of projection, the height or the proximity of the extension.

The proposed extension to the dwelling would have a depth of 3.6m and be alongside the common boundary of No. 24 Rooks Hill, which has not been extended to the rear. No. 24 has the same layout as the application property with patio doors nearest the application property. As a result of the proposed depth of the development, together with its overall height at about 3.2 metres, it is considered that the proposed development would not give rise to an unacceptable overbearing or dominant impact on this, or other properties. With the relevant siting of the proposed development together with its overall height, it is considered that any reduction in light would be very limited and would not be cause a detrimental impact to the occupiers of this dwelling. In addition, this extension is considered to be a reasonable distance from No. 20 to cause no impact to the residential amenity that they currently enjoy.

With regard to the extension to the garage, No. 20 has an existing garage which extends back approximately the same distance as the proposed extension. The design of this extension would have a flat roof which would continue the ridge height of the existing garage and it is therefore considered that it would have no detrimental impact to the occupiers of No. 20. In addition, it is a sufficient distance from No. 24 to cause no undue impact to their residential amenity.

Windows are proposed in both extensions which would look to the rear of the garden only. Subsequently it is not considered that there would be a loss of privacy to neighbouring properties.

3. Sustainable Development: The application has included a sustainability checklist which notes that the proposal would be insulated to meet current building regulation standards. It is considered that these provisions would 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 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, which is expected to begin its passage through Parliament before Christmas. 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.

Landscaping: There is a Horse Chestnut tree in the rear garden of the application site where Policy D8 of the District plan seeks to protect such trees from development. A tree survey has been submitted with the application which states that suitable protection will be afforded through the use of fencing. A 1.2m high chestnut pale fence is proposed where there will be no storage of building materials within the root protection area at any time. The fencing will be installed prior to any works commencing and maintained until completion.

An application has been submitted, reference N6/2010/0455/TC to remove this tree and the Council's Landscaping department state that it will be recommended that the tree is to be removed because of its declining condition. Subsequently no objections are raised in this regard and it is considered that the proposed development would comply with Policy D8.

CONCLUSION:

The proposal would sufficiently maintain the character and appearance of the property and surrounding area, the residential amenity of neighbouring dwellings and would retain a sufficient parking allocation. No objections are raised with regard to the horse chestnut tree and 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.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1: Time commencement condition
REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended)

2. C.13.1: The development/works shall not be started and completed other than in accordance with the Site Location Plan and Drawing No. 2211/1 received and dated 3 March 2010.
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 Materials to match
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 PERMISSION:

The proposal has been considered against PPS1, PPS5, PPS9, East of England Plan policies SS1, SS2, ENV6, ENV7 and development plan policies SD1, GBSP2, R3, D1, D2 and D8 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:

None

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