

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/0395/FP
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NOTATION:

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

DESCRIPTION OF SITE:

The application site accommodates a mid-terrace house. The application dwelling has pebble dashed elevations which have been painted yellow and brown plain tiled roof. To the rear of the property both the application dwelling and adjacent houses have single storey rear extensions. At the time of the site visit part of the application dwelling's rear extension had been demolished. The surrounding area is characterised by similar dwellings.

DESCRIPTION OF PROPOSAL:

The proposed development would involve the replacement of a conservatory with a single storey rear extension. The proposal has been amended to have the same depth as the conservatory. The proposal would approximately measure 5m in width by 2.2m in depth (4.69m from the original rear elevation of the dwelling) with a flat roof to a maximum height of 2.8m.

PLANNING HISTORY:

S6/2004/1120/FP – Erection of single storey rear extension – Approved 15/09/2004.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPG14: Development on Unstable Land

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

HATFIELD TOWN COUNCIL COMMENTS

No comment received.

REPRESENTATIONS

None. Period expired 8 April 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 proposed development would be sited to the rear of the property and would not impact upon the character and appearance of any surrounding public areas. Although relatively deep, the proposal would reflect the appearance of the previous extensions and those at neighbouring properties. The proposal's design would be appropriate for a single storey rear extension within this area. The proposal would have a relatively low flat roof, which would be similar to the height of the extensions at the adjacent properties.

When considering the variations to the appearance the neighbouring properties rear gardens and the additions that have been made. The proposal would not appear out of place or have an adverse impact upon the character and appearance of the locality.

2. The neighbouring properties both have existing single storey rear extensions which would offset any adverse impact of the proposal's depth. The apparent depth of the proposal at ground floor level would be approximately 2m - 2.2m from both of the adjacent dwellings.

The proposal would have a relatively low roof and would not affect the outlook from the first floor windows of the adjacent properties. The proposal would have a similar depth to a canopy to the rear of number 30's rear extension. The proposal would not appear overbearing or too dominant when viewed from adjacent properties.

The proposed development would therefore meet the requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. The application has been submitted with a sustainability checklist which notes the development would comply with building regulations. Considering the proposal comprises a replacement extension to an existing building this would meet the requirements of Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005.

Chalk Mining: The proposed development would be a single storey replacement extension and therefore a chalk mines risk assessment is not required. Due to the existing development on site the proposal would not add a significant amount of further weight and therefore is not likely to result in a significantly greater risk of being affected by historic chalk mines.

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 reflect the previous extension approved under reference S6/2004/1120/FP. The resultant dwelling would not have a noticeably greater impact upon the character of the locality or the residential amenities of the adjoining occupiers. The proposal is considered to be acceptable and meet the relevant requirement of the Welwyn Hatfield District Plan 2005.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1: Standard Time Limit
2. C.13.1: Development in accordance with approved plans/details Site Location Plan 1:1250 & 1105/01 REV.B & 1105/02 REV.B & 1105/03REV.B & 1105/04 REV.B received and dated 13 April 2011.
3. C.5.1: Materials to Match

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

Reason for Grant of Full Planning Consent:

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPG14, East of England Plan 2008 policies SS1, ENV7 and development plan policies SD1, GBSP2, R3, D1, D2, D8 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:

INF9: Chalk mining

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