

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	N6/2011/0709/FP
APPLICATION Site:	50 Longcroft Gardens, WGC

NOTATION:

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

DESCRIPTION OF SITE:

The application site is a two storey, detached residential dwelling located to the east of the town centre and on the western side of the highway.

DESCRIPTION OF PROPOSAL:

The application proposes to erect a conservatory on the rear of the dwelling. The proposed conservatory would feature a lean to pitched roof and would measure approximately 3.5 metres deep, 3 metres wide and 2.9 metres tall.

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 Policies:

SS1: Achieving Sustainable Development

ENV6: The Historic Environment

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 conservation 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 conservation area.

PPS5 outlines a presumption in favour of the conservation of the historic environment. In this context the proposal should either sustain or where appropriate enhance the historic environment. Policy HE7 of PPS5 outlines that the more significant the element of the historic environment that may be affected by the relevant proposal the greater the presumption in favour of conservation.

In addition to PPS5, 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 conservatory would appropriately feature materials and fenestration to match the existing dwelling and would be subordinate in scale to the existing dwelling. The proposed conservatory would also be positioned appropriately on the rear of the dwelling, which would have minimal impact from the frontage of the street scene. The proposed development is therefore considered to sufficiently sustain the character and appearance of the property and conservation 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 conservatory would be south – western facing but due to the positioning of the proposed extension away from the boundary, the presence of the existing 1.5 metre fencing, the scale of the proposed extension and the positioning of the property in relation to neighbouring properties it is considered that it would not have an impact on neighbouring properties access to day/sun/sky light or cause overshadowing to an extent that would warrant the refusal of the application on these grounds.

The proposed conservatory would feature windows and doors that would look onto the rear and side property line of the site. It is considered that these windows and doors would not result in any direct overlooking to neighbouring properties.

3. Sustainable development

The applicant has submitted a statement assessing the proposal against the sustainability checklist as required by the Supplementary Design Guidance. The proposal is considered to be in accordance with policies SD1 and R3 of the Welwyn Hatfield District Plan and Supplementary Design Guidance, Statement of Council Policy 2005.

4. Other material planning considerations

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 sustain the character and appearance of the property and conservation 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/works shall not be started and completed other than in accordance with the approved plans and details: 11-04-01/6 & 11-04-01/5 & 11-04-01/2 received and dated 15 April 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 GBSP2, 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, PPS5, PPS9, East of England Plan 2008 policies SS1, ENV6, 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.....