

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/1116/FP
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NOTATION:

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

DESCRIPTION OF SITE:

The application site is located on the west side of Theobalds Road and comprises of a detached bungalow which is finished in a grey coloured render below a concrete interlocking tile roof. The windows are finished in white PVC.

To the front is a hardstanding which provides access to a garage attached to the side of the property. To the rear is a rear terrace which steps up to the rear garden area which then gently slopes upwards to the back boundary.

This part of Theobalds Road is characterised by similar properties of a similar size and appearance on the west side of the road, some of which have also been converted to chalet bungalows with the use of dormers. It is likely the properties were all built at the same time to a similar design.

On the opposite side of the road, there are a group of semi-detached bungalows, some of which have also been converted to chalet bungalows.

DESCRIPTION OF PROPOSAL:

This application seeks full planning permission for the erection of a ground floor rear extension for the full width of the existing property which will be approximately 2m deep. This is to create a larger kitchen, dining and living area.

New first floor accommodation is proposed to create a master bedroom and second bedroom, both with en-suites.

To facilitate the conversion of the bungalow to a chalet bungalow, will require the remodelling of the existing hipped roof to create a gable end wall to the rear and also a part gable wall to the front elevation.

Two side dormers with flat roofs are proposed on one roof slope to serve the new en-suites and three rooflights are proposed on the opposite side roof slope to serve as secondary windows to new bedrooms.

It is also proposed to increase the ridge height from approximately 6.5m to 7.4m.

PLANNING HISTORY:

S6/2011/0875/PA – Extensions and Alterations – withdrawn 13/06/11

S6/2002/1036/FP - Erection of single storey front and side extension to form garage and habitable room - Granted 12/08/2002

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development
PPG13: Transport

East of England Plan 2008

SS1: Achieving Sustainable Development
T14: Parking

Hertfordshire Structure Plan Review 1991 – 2011:
None

Welwyn Hatfield District Plan 2005:

GBSP2 Towns and Specified Settlements
D1 Quality of Design
D2 Character and Context
M14 Parking Standards for New Developments
SD1 Sustainable Development
R3 Energy Efficiency

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS

None

PARISH COUNCIL COMMENTS

Northaw Cuffley Parish Council – no objections

REPRESENTATIONS

The application was advertised by neighbour notification letters.

Notification expired 14/07/11.

Three letter of objection have been raised by neighbouring properties and the concerns can be summarised as follows:

- The raising of the roof ridge and that it is out of keeping with the character of the area.
- Loss of light to neighbouring property at No.40

- Overhanging of new extensions with boundary of No.40
- Overlooking from the proposed rear windows to neighbouring property directly behind

DISCUSSION:

The main issues are:

1. **Quality of design and impact on the character of the area.**
2. **The impact of the proposal on the residential amenity of adjoining neighbours**
3. **Other matters**

1. Quality of design and impact on the character of the area.

Local Plan Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the accompanying Supplementary Design Guidance require high quality design in all new development and for proposals to respect and relate to the character and context of their location.

The application site is located in a part of Theobalds Road where it forms a group of existing bungalows, some of which have already been converted and extended to chalet bungalows overtime. In the main, the changes to these other bungalows have retained the dwellings original form and scale when viewed from the streetscene. There are also examples of new dwellings in the road as there is a pair of bungalows at No.32 and No.32a. These have also used simple hipped roofs which reflect the other roofs in the vicinity of the application site.

There are also examples on Theobalds Road of more intrusive extensions, however, these are located in another section of the road further north, and beyond the junction with Theobalds Close. Due to their distance, they are not considered to form part of the surrounding character to this application site.

For this application, the proposal would result in the ridge height of the dwelling being increased by around 0.9m. It would also result in the addition of a half hipped gable on the front elevation and the roof towards No.40 Theobalds Road being extended.

These changes would alter significantly the appearance of the existing bungalow, particularly when viewed from the front. Policy D2 requires new development to respect and relate to the character and context of the area. The Supplementary Design Guidance also requires extensions to 'complement and reflect the design and character of the dwelling and be subordinate in scale'.

The current proposal would result in an unbalanced appearance to the front elevation, which would also reduce the visual gap with No.40. This would conflict with the prevailing established character of streetscene of dwellings which have simple hipped roofs, all of the same height and separated by similar spaces.

Furthermore, the proposed extensions have not been designed to compliment and reflect the character of the existing building. The introduction of a gable to the front of the roof would not reflect the character of the existing dwelling and so would appear as an alien feature.

Concerns have been raised during the consultation process of the application by third parties over the increase in height of the roof and changes to the appearance of the dwelling being out of character. It is these issues that have been identified above in this discussion.

In summary, the extensions and roof enlargement would not be subordinate in scale with the original bungalow due to the additional bulk and height. The use of a gabled roof would result in an incongruous feature in the street scene detrimental to the established character of the immediate area.

The proposal therefore fails to comply with Policy D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance, February 2005.

2. The impact of the proposal on the residential amenity of adjoining neighbours

Local Plan Policies D1 of the Welwyn Hatfield District Plan 2005 and the accompanying Supplementary Design Guidance are relevant.

The main impact of the proposal will be on the adjoining neighbours at Nos. 40 & 44 Theobalds Road. Concerns have been raised by the property to the rear in regards visual impact from the increase in height of the roof and the potential for overlooking. These concerns are not accepted as the resultant separation distance between the application property and those in Northaw Road East is substantial and so no significant loss of privacy or visual amenity would result.

The impact on No.44 would result mainly from the new dormers, however, the size and location of these would not result in any significant loss of sunlight/daylight to this neighbour. As both of these dormers are for en-suites a planning condition for obscure glazing and non-opening below eye level would be reasonable.

The impact on No.40 has the potential of being greater, as the roof would extend towards this neighbour and there would be an increase of around 0.3m to the height of the existing flank boundary wall. There is a number of existing flank wall windows to No.40 which face towards the application site, and which will be impacted by the proposed extensions. Some of these appear to be serving habitable rooms, although it remains unclear whether they are original to the property.

Taking this into account, the main issue is whether the loss of sunlight/daylight would to No.40 be so significant to warrant withholding planning permission on this issue. Overall, and on balance, whilst it is accepted that some loss of sunlight/daylight would result, the small increase in height of the flank wall, and the sloping roof behind this, would not significantly impact on the residential amenity of No.40.

The proposal therefore complies with Policy D1 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance, February 2005 subject to planning conditions for the windows to the dormers being obscure glazed and non-opening below 1.7m

3. Other matters

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.

Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981).

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. These comprise:

- “Deliberate capture or killing or injuring of an EPS”
- “Deliberate taking or destroying of EPS eggs”
- “Deliberate disturbance of a EPS” including in particular any disturbance which is likely –
 - (a) to impair their ability –
 - (i) to survive, to breed or reproduce, or to rear or nurture their young, or,
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
 - (b) to affect significantly the local distribution or abundance of the species to which they belong
- “Damage or destruction of a EPS breeding site or resting place” (applicable throughout the year).
 - e.g. bat maternity roost (breeding site) or hibernation or summer roost (resting place)
 - e.g. great crested newt pond (breeding site) or logpiles / piles of stones (resting place)
 - e.g. dormice nest (breeding site or resting place (where it hibernates)

In some circumstances a person is permitted to 'derogate' from this protection. The Conservation Regulations 2010 establishes a regime for dealing with such derogations via the licensing regime administered by Natural England. The approval of such a license by Natural England may only be granted if three strict "derogation" tests can be met:

- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained.

Notwithstanding the licensing regime, the Council as Local Planning Authority (LPA) has a statutory duty to have regard to the requirements of the Habitat Directive and therefore should give due weight to the presence of an EPS on a development site. Therefore in deciding to grant permission for a development which could affect an EPS the LPA should:

- a) Consider whether an offence to an EPS is likely to be committed by the development proposal.
- b) If the answer is yes, consider whether the three "derogation" tests will be met.

A LPA failing to do so would be in breach of Regulation 9(5) of the Conservation Regulations 2010 which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

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 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.

Parking: The site is located in Zone 4 where a 2 bedroom property requires 1.5 parking spaces. The site will provide for this level of parking and so complies with Local Plan Policy M14.

SD1 Sustainable Development: The applicant has submitted a statement assessing the proposals against the sustainability checklist contained within the Supplementary Design Guidance. In regards to Local Plan Policy R3 (Energy Efficiency) this statement states that the windows to the front of the dwelling will benefit from southeast facing windows for sunlight and that double glazed windows and cavity wall insulation will be used.

Boundary: Concerns have been raised by No.40 that the proposal will require a gutter to be constructed on the flank wall over their land. The application has been submitted with Certificate A which means that the applicant has declared the development will only be on land in their ownership/control. In these circumstances it is the responsibility of the applicant to ensure that the development will be within the land in their ownership/control as declared in the application form.

CONCLUSION:

The proposed extensions fail to respect the established character of the area and the original dwelling. It therefore fails to comply with design policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the accompanying Supplementary Design Guidance 2005.

RECOMMENDATION: REFUSAL AND REASON

SUMMARY OF REASONS FOR THE REFUSAL OF PERMISSION:

- 1. The proposal would, by reason of its incongruous design, height and scale, significantly harm the appearance of the existing dwelling and the established character of the streetscene of Theobalds Road, due to proposed increase in the height of the roof ridge, along with a side roof extension, both of which would result in an unbalanced appearance at odds with the character of the existing dwelling and neighbouring bungalows. In addition, the addition of a gable to the front elevation further adds to this harm by creating an alien feature. The proposals are therefore contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance (Statement of Council Policy).

INFORMATIVES: None

REFUSED DRAWING NUMBERS: 0781/EX/001 & 071/PL/001 & 071/PL/002 & 071/PL/003 & 071/PL/004 & 071/PL/005 & 071/PL/006 received and dated 17 June 2011.

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