

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/1574/FP
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NOTATION:

This site is located within the town of Hatfield as outlined in the Welwyn Hatfield District Plan 2005 and within the Watling Chase Community Forest.

DESCRIPTION OF SITE:

The application site is located on the south west side of Bramble Road and consists of a two storey linked-detached dwelling with single garage and front and rear gardens. The surrounding area and street scene are residential in character and contain similar dwellings in respect of both size and appearance. The site is rectangular in shape measuring approximately 11m in width x 48m in length. The rear garden is mostly laid to lawn and bound by mixed planting and close boarded fencing approximately. To the rear of the site is an area of woodland. At the time of the site visit the concrete base and part of the block work for the proposed outbuilding had been constructed.

DESCRIPTION OF PROPOSAL:

This application seeks full planning permission for erection of a single storey outbuilding. The outbuilding is situated to the rear of the application site and measures approximately 6m in width x 5m in depth with a 2m veranda to the front. The outbuilding would be finished with a front to rear gable roof extending above the veranda. The roof would measure approximately 2.5m in height to the eaves and 5.5m in height to the ridge.

PLANNING HISTORY:

None

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Planning Policy:

PPS1 Delivering Sustainable Development

PPG2 Green Belts (in relation to Community Forrester)

PPS9 Biodiversity and Geological Conservation

East of England Plan 2008:

SS1 Achieving Sustainable Development

ENV3 Biodiversity & Earth Heritage

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

CONSULTATIONS

None

TOWN/PARISH COUNCIL COMMENTS

Hatfield Town Council: No response (consultation expires 19/09/2011)

REPRESENTATIONS

This application has been advertised by neighbour notifications. No letters of representation were received.

DISCUSSION:

The main issues to be considered 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 Considerations

1. The Proposed Development's Impact Upon the Character and Appearance Of the Locality

National Planning Policy Guidance PPS1 Delivering Sustainable Development requires planning authorities to plan for high quality design which is appropriate in its context. Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location.

The rear garden of the application site is bound to the sides by the rear gardens of neighbouring residential properties and to the rear by woodland. As a result, the outbuilding would not be visible from any public vantage point. Approximately 30m separation distance would be maintained between the rear elevation of the application dwelling and the outbuilding. Approximately 320sqm would be retained as amenity space (92% of the total rear garden area), therefore, the outbuilding is not considered to amount to overdevelopment of the site.

Taking into consideration that the outbuilding would be situated to the rear of the property and the rear garden is well screened from view, the proposal is not considered to have an adverse visual impact on the visual amenity of the street scene. It is proposed to finish the outbuilding in facing brick which would not match the painted render finish of the main dwellinghouse. Notwithstanding this, the proposed materials and appearance of the outbuilding are considered to be acceptable in this location due the 30m separation distance that would be maintained between the outbuilding and the house. Overall it is considered that the proposed outbuilding would adequately maintain the character and appearance of the area accordance with PPS1 and Policy D1 and D2 of the Welwyn Hatfield District Plan 2005.

2. The Proposed Development's Impact Upon the Residential Amenity of the Adjoining Occupiers

No representations have been received from neighbours. The separation distance maintained from neighbouring dwellings is such that the outbuilding would have no significant impact on the residential amenity currently enjoyed by occupiers of the neighbouring properties. Therefore, the proposal is in accordance Policy D1 Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

3. Other Material Considerations

Watling Chase Community Forest: Within the boundaries of Watling Chase Community Forest the Council seek to achieve the objectives of the Forest Plan, including landscape improvements. The proposed development would not adversely affect any trees or mature vegetation that are considered to be worthy of protection. The proposal would not have any direct impact upon the local landscape quality of the area and although would not contribute would not be contrary to this policy.

Sustainable Development: The applicant has completed the sustainability checklist in accordance with Policy R3 of the District Plan and SD1 of the Supplementary Design Guidance. The applicant has indicated within the submitted sustainability checklist that the outbuilding would not impact upon neighbour amenity as it is situated away from neighbouring dwellings; windows and doors will maximise natural light; no trees or hedges were removed; the outbuilding would provide cycle storage.

Protect 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 quagazebo 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 policy(ies) 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:

Due to its location within a rear garden, the proposed outbuilding would have no discernable impact on the character of the area or the visual amenity of the street scene. By reason of its location to the rear of a large garden and the resulting separation distance between the outbuilding and habitable rooms, the proposal would not have a detrimental impact on neighbour amenity and is not considered to result in overdevelopment of the site. The development complies with the relevant national policies and guidance, policies within the Welwyn Hatfield District Plan 2005 and the requirements of the Supplementary Design Guidance (Statement of Council Policy).

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

- 1. C.2.1 – Time Limit
- 2. C.13.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details 1:2500 Site Location Plan & 1:500 Block Plan & 1:100 Plan & Proposed Shed: Veranda Plan & Front Elevation & Rear Elevation & Left-Hand Side Elevation & Right-Hand Side Elevation & Roof Plan received and dated 8 August 2011

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPG2 and PPS9, East of England Plan 2008 policies SS1, ENV2, ENV3, ENV6, ENV7 and development plan policies GBSP2, SD1, R3, D1, D2, RA11 and Supplementary Design Guidance 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

None

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