

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/2053/FP
APPLICATION Site:	51 Daisy Drive, Hatfield

NOTATION:

The site lies within the former Hatfield aerodrome site as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application site comprises of a mid terraced dwelling on a rectangular shaped plot within a residential cul-de-sac.

DESCRIPTION OF PROPOSAL:

The application seeks planning permission for a rear conservatory. In previous correspondence the applicant has stated that the conservatory has been in existence for more than five years.

PLANNING HISTORY:

None.

Permitted development rights were removed as part of application S6/2001/0577/FP which includes conservatories

SUMMARY OF POLICIES:

National Policy

PPS1: Delivering sustainable development

PPS9: Biodiversity and Geological Conservation

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV7: Quality in the Built Environment

Welwyn Hatfield District Plan, 2008:

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:

This application has been advertised by neighbour notification letters and no representations have been received. Period expired 30th December 2011

DISCUSSION:

The main issues are:

1. **The impact of the existing conservatory on the design and character of the dwelling and surrounding area**
2. **Impact upon the residential amenity of adjoining occupiers**
3. **Other material planning considerations**

1. The impact of the existing conservatory on the design and character of the dwelling and surrounding area

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 harmonises with the existing building and area.

The development is single storey and sited to the rear of the property. The brickwork matches that of the main dwellinghouse and the conservatory is considered subordinate to the main dwellinghouse. The conservatory has an appropriate design and does not have an adverse impact upon the character and appearance of the locality. The garden space is practical, useable and is considered to be acceptable for a dwelling of this size.

The conservatory is not considered to detract from the existing character of the dwellinghouse and therefore complies with policy GBSP2, D1 and D2 of the Welwyn Hatfield District Plan, 2005.

2. Impact upon the residential amenity of adjoining occupiers

Policy D1 and the supplementary design guidance paragraph 5.2 (Section 5 Residential Extensions) states in part iii) the extension 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. In addition paragraph 5.7 states that new extensions should be designed, orientated and positioned in such a way to minimise overlooking between dwellings.

Adjoining neighbours, No. 49 and No.53 Daisy Drive have not objected to the existing conservatory.

The existing conservatory is east facing and therefore the dwelling most impacted upon in terms of loss of sunlight/daylight is neighbouring dwelling to the north, No.49 Daisy Drive. The eaves height of the conservatory measures 2.15m and an approximately 1.7m high fence forms the boundary with No.49. Whilst the proximity of the conservatory to the boundary with No. 49 would result in some loss of sunlight/daylight to the ground floor window of No.49, it is not considered to be a level to warrant refusal taking account of the eaves height and the pitched roof design of the conservatory.

The boundary treatment with both adjoining properties comprise of approximately 1.6m high fence which reduces overlooking to neighbouring properties. The existing conservatory is not considered to detrimentally impact on the amenity of adjoining properties and therefore complies with policy D1 of the Welwyn Hatfield District Plan, 2005.

3. Other Material Planning Considerations

Sustainable Development: Policy R3 states that the council expects all development to include measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping. The development incorporates cavity wall insulation and double glazing in accordance with policy SD1 and 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.

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).

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.

CONCLUSION:

It is considered that the conservatory is in keeping with the existing dwelling and character of the area and there is no unacceptable loss of amenity to adjoining occupiers. The conservatory adheres to the policies as listed above.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. The development/works shall be retained in accordance with the approved plans and details: Site Location Plan (1:1250) & DD51PFP Issue A & DD51SS Issue A & DD51PSE Issue A & DD51PRE Issue A received and dated 28th November 2011

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.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPS9, East of England Plan 2008 policies SS1, ENV7 and development plan policies SD1, GBSP2, R3, D1 and D2 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).

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