

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/2236/FP
APPLICATION Site:	12 Theobalds Close, Cuffley

NOTATION:

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

DESCRIPTION OF SITE:

The application site accommodates a semidetached bungalow. The application site is located within a close of predominantly similar properties. The application plot is roughly rectangular and measures approximately 10m in width by 30m in depth and the application dwelling set back from the front boundary by approximately 10m. The application dwelling has mostly white rendered elevations with a yellow brick gable to the front of the property. The dwelling has previously been extended with a rear conservatory and flat roofed lead dormers to the front and rear.

DESCRIPTION OF PROPOSAL:

The proposed development would involve the erection of a single storey side and rear extension. The proposed extension to the side of the dwelling would approximately measure 2.2m in width by 7.4m in depth with a hipped section to the front of the roof to a height of approximately 3.2m. The proposed extension to the rear of the dwelling would approximately measure 6.3m in width by 2.6m in depth, with flat roof to a height of approximately 2.8m in height.

PLANNING HISTORY:

S6/2003/1479/FP – Loft conversion including front and rear dormers – Approval 05/12/2003.

SUMMARY OF POLICIES:

National Policy
PPS1: Delivering sustainable development
PPS9: Biodiversity and Geological Conservation
PPG13: Transport

East of England Plan 2008 Policies:
SS1: Achieving Sustainable Development
ENV7: Quality in the Built Environment
T14: Parking

Hertfordshire Structure Plan Review 1991 – 2011:
None.

Welwyn Hatfield District Plan 2005:
SD1: Sustainable Development
GBSP2: Towns and Specified Settlements
R3: Energy Efficiency
M14: Parking Standards for New Developments
D1: Quality of Design
D2: Character and Context
D8: Landscaping

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

CONSULTATIONS:

NORTHAW & CUFFLEY PARISH COUNCIL COMMENTS:

The PC has no objections.

REPRESENTATIONS:

The application was advertised by neighbour notification letters and one response was received. A letter from a neighbouring property noted that the no objection was raised subject to a fence of the shared boundary being retained. Period expired 9 December 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 largely be sited to the rear of the property and only a small section of the proposal would be viewed within the public streetscene to the front of the dwelling.

The proposed extension would be a single storey and relatively modest addition. This extension would be set back from the front elevation of the dwelling and it would appear subordinate to the main dwelling. The proposed extension to the side of the dwelling would be built close to the southern flank boundary of the plot. As the proposal would be single storey and relatively low in height, a good separation would be retained between the neighbouring properties at roof level and this arrangement would not appear out of place. Although viewed within the public streetscene to the front of the dwelling, this addition would not appear too prominent or out of place.

The proposed rear extension would not be viewed from the surrounding public areas. Due to the proposal's relatively shallow depth and low height, the rear of the development would not appear overly prominent or have an adverse impact upon the character and appearance of the locality.

2. The proposed development would be built close to the southern flank boundary. Due to the relatively low height of the proposal and the neighbouring property (no 14) being set away from the boundary, the proposal would not appear overbearing or too dominant when viewed from this adjacent dwelling. Number 14 is set on a slightly higher ground level and the fence on the shared boundary would be retained, which would partly screen the proposal. It has been noted that number 14 has some clear glazed windows facing the application, however, the main habitable areas of the dwelling would not directly face the proposal and would retain a good outlook to the rear.

The adjoining dwelling to the north (no 10) would retain a similar distance from the proposed rear extension than it currently does from the existing conservatory. The shallow depth, low roof height and distance from the shared boundary would offset any adverse impact of the proposal's size.

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

3. **Boundary Treatments:** The application plans have illustrated the existing boundary fence to be reinstated to the side of the property, which would address the concerns raised within the neighbour letter. However, the proposal would not have a significant impact upon this property if the fence is removed.

Sustainability and Energy Efficiency: The application has been submitted with a sustainability checklist which note that the proposed extension would be insulated to meet building regulations and several of the fittings would be reused or second hand. Considering the proposal comprises extension to an existing dwelling, these provisions would be reasonable to meet the requirements of Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005.

Parking Provision: The application site is within zone 4 as designated by the parking standards of the Welwyn Hatfield District Plan 2005. The parking standards require a provision 2.25 off road space for a property with 3 bedrooms. The proposal would include a garage but its width and length would fall below the size of a standard parking space. The proposal would be set back to the front of the property and a hardstanding would be retained which would provide sufficient parking space for three cars. The area of hardstanding to the front of the property would provide sufficient off road parking space and the proposal would meet the requirement of Policy M14 and the parking standards 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 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 not adversely affect the character and appearance of the locality or the residential amenity of the adjoining occupiers. The application is considered to be acceptable and would meet the relevant requirements of the Welwyn Hatfield District Plan 2005.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details site location plan 1:11250 & JONES/BW 002 & JONES/BW 003 & JONES/BW 004 received and dated 4 November 2011.

Post Development

3. C5.2 Matching materials

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPS9, PPG13, East of England Plan 2008 policies SS1, ENV7, T14 and development plan policies SD1, GBSP2, R3, M14, 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: None.

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