

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/2265/FP
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CONSTRAINTS:

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

DESCRIPTION OF SITE:

The application site comprises of a detached bungalow which has an existing single flat roofed garage to the side elevation and a conservatory to the rear. The land levels slope steeply from the front of the site to the rear.

DESCRIPTION OF PROPOSAL:

The proposal is to convert the existing side garage into a utility room which will include a 1m extension to its front elevation and a 1.5m high extension to its roof along its entire length incorporating two rooflights.

To the rear of the dwelling, the existing conservatory will be demolished and replaced with a garden room measuring 4.8m in height which includes the existing sub structure below. The garden room proposes two profile box windows resulting in the rear extension measuring a maximum 3.5m in depth. The proposed garden room will maintain a flat roof design.

Seven solar panels are proposed on the southern side elevation of the existing roofspace.

PLANNING HISTORY:

S6/1985/0698 - Single storey rear extension and garage. Granted 6th January 1986

S6/1992/0307/FP - Erection of rear conservatory. Granted 23rd June 1992

S6/2011/1755/LUP - Certificate of lawfulness for partial demolition of existing garage and erection of single storey side extension and installation of photovoltaic panels on roof. Refused 21st September 2011

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPS9: Biodiversity and Geological Conservation

East of England Plan 2008

SS1: Achieving Sustainable Development
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
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS

Hertfordshire County Council (Transportation Planning & Policy) does not wish to restrict the grant of planning permission although an informative is to be included as part of any permission

TOWN/PARISH COUNCIL COMMENTS

Northaw and Cuffley Parish Council have no objections

REPRESENTATIONS

None, period expired 18th November 2011

DISCUSSION:

The main issues are:

- 1. The impact of the proposal on the design and character of the dwelling and surrounding area**
- 2. The impact of the proposal on the amenity of adjoining neighbours**
- 3. Other Material Planning Considerations**

- 1. The impact of the proposal 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.

A number of dwellings within the vicinity of the application dwelling have incorporated side and rear extensions of varying designs. The proposed front

extension to the existing garage is not considered to detrimentally alter the character of the local streetscene as the proposal will maintain a flat roofed design and incorporate a matching window design on the front elevation.

The proposed rear extension will not be viewable from the streetscene and maintains a similar height and depth to the existing rear extension. The projecting window design is not a common design feature of extensions within this area however, the proposal is to the rear and is not considered to be of a scale to appear overly prominent or out of keeping with the existing dwelling.

The proposed solar panels will be visible from the streetscene however they will be set back from the highway by approximately 25 metres and therefore are considered to appear overly prominent or detract from the overall character of the streetscene.

Overall, the proposal is considered to comply with policy GBSP2. D1 and D2 of the Welwyn Hatfield District Plan, 2005.

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

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.

The dwellings most impacted by the proposal are adjoining dwellings, No.29 & 33 Northaw Road East. To the north of the dwelling is No.29 which is a detached bungalow whose rear elevation is approximately in line with the existing rear elevation of No.31. The proposal does not seek to incorporate any windows on the northern side elevation and therefore the proposal is not considered to detrimentally impact upon the residential amenity of No.29.

To the south of the dwelling is No.33 whose rear elevation is set back from the rear elevation of No.31. A large mature hedgerow forms the boundary with No.33. The proposed projecting box window in the corner of the garden will have dual aspect including onto the boundary with No.33. However, the proposal is not considered to result in additional overlooking when compared with the existing conservatory and the proposed window is set back a distance of 2.9m with the adjoining boundary. The proposed side conversion/extension will increase in height and whilst two small windows exist on the side elevation of No.33, the proposed increase in height is not considered to result in loss of amenity to No.33 to warrant refusal of the application.

The proposal is therefore considered to comply 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 proposal seeks to incorporate solar panels on the southern elevation which will contribute to maximising energy efficiency. The applicant has submitted a sustainability checklist 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:

The proposed development is considered acceptable in terms of its size, scale and design and would not have a detrimental impact upon the amenity of either the property or the surrounding area. The proposal is considered to comply with the policies listed above.

RECOMMENDATION: APPROVAL WITH CONDITIONS

Application S6/2011/2265/FP should be APPROVED subject to the following conditions:

1. C.2.1 – Time Limit
2. C.13.1 – Development in accordance with the approved plans and details P01 & P03 & P04 received and dated 4th October 2011

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION FP:

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).

INFORMATIVES:

1. The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into/within the public highway without authorisation from the Highway Authority, Hertfordshire County Council. If necessary, further details can be obtained from the Mid-west Hertfordshire Highways Area Office located at Highways, 41-45 Broadwater Road, Welwyn Garden City, Herts AL9 3AX (Telephone 01707 356500)

Signature of author.....

Date.....