

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/2433/LB
APPLICATION Site:	32 Fore Street

NOTATION:

The site lies within the Conservation Area of Old Hatfield as designated in the Welwyn Hatfield District Plan 2005 and the building is designated as Grade II Listed.

DESCRIPTION OF SITE:

The property dates back to the mid 16th Century in parts, and was at one point two houses with a central corridor creating the two units.

Following Listed Building Consent in 1999, some of the partitions were granted permission to be removed to open up the living space.

Recently Listed Building Consent has been granted (S6/2010/2189/LB) to remove a later fire place and chimney.

This has exposed existing brickwork which is the subject of this application, which is possibly a previous fire place which has been bricked up.

DESCRIPTION OF PROPOSAL:

The application seeks Listed Building Consent to create a new fire place in the existing brickwork to link up with an existing chimney and fire place. This will require the removal of a small area of brickwork (less than 1 sqm) and a new oak lintol to be inserted to support the remaining brickwork above.

PLANNING HISTORY:

S6/2011/2485/FP - Extension to existing shed and loggia in garden – no decision.

S6/2011/1903/LUP - Lawful Use Certificate for the proposed erection of extension to existing outhouse - withdrawn 14/10/2011

S6/2010/2189/LB - Replacement of existing modern staircase, demolish modern addition to original 17c chimney, make good existing walls, floor and ceiling and new oak handrail. Granted 26/11/2011

S6/1999/0589/LB - Internal alterations to reveal original structure, and removal of modern partitions – granted 20/09/99

SUMMARY OF POLICIES:

National Policy

PPS1: Delivering sustainable development

PPS5: Planning for the Historic Environment

PPG 14: Development on Unstable Land

East of England Plan 2008

SS1: Achieving Sustainable Development

ENV6: The Historic Environment

Hertfordshire Structure Plan Review 1991 – 2011:

None

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

CONSULTATIONS: None

TOWN/PARISH COUNCIL COMMENTS:

None

REPRESENTATIONS:

None,

Period expired 20/12/11

DISCUSSION:

- 1. The impact of the proposed changes on the historic character and fabric of the building.**

PPS5 is relevant.

The recent approved building works has exposed facing brickwork which backs onto another fireplace in an adjoining room.

The proposal is to remove part of this brickwork and to insert a new timber lintel to support the remaining brickwork above. This will create a new fireplace which shares the same chimney as that of the fire place in the adjoining room.

The main issue here is whether the brickwork to be removed is original to the property and if the proposed works would harm the historic fabric of the listed building.

An inspection of the brickwork at the site visit shows that it is of poor quality to that of the wall above, which gives some weight to the possibility that it is not original, but may have blocked up an earlier opening.

Overall, the limited amount of brickwork to be removed, and its poor quality, would mean that the proposal would not harm the character or fabric of the building.

In summary, the proposals are considered to be acceptable as they will still retain the historic character of the dwelling.

A planning condition requiring the new lintol to be constructed in oak using traditional materials would clarify the approval being granted.

Chalk Mining: As with all developments across Hatfield, the suitability of the development in accordance with PPG14: Development on Unstable Land needs to be assessed. The site is not within any designated area that has been identified as possibly being at risk of chalk mining. As the development would result in little alteration in terms of weight bearing load upon ground conditions, an informative only is required.

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 Act. 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 proposal is considered to comply with PPS5, subject to the following conditions:

RECOMMENDATION: LISTED BUILDING CONSENT WITH CONDITIONS

CONDITIONS:

1. C.2.2 3 Year Time limit for commencement of development (Listed Building)
2. C.13. 1Development in accordance with approved plans/details Site Location Plan & H1993/03C received and dated 11 November 2011.
3. The new lintol to be inserted in the existing brickwork as shown on approved drawing H1993/03C is to be in solid oak.

REASON: To protect the historic character of the Listed Building as Oak is an existing feature and to comply with Planning Policy Statement 5 (Planning for the Historic Environment).

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against Planning Policy Statement 1& 5 and Planning Policy Guidance Note 14, East of England Plan 2008 Polices SS1 & ENV6 and local development plan policy SD1 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which 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. INF9

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