

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/2583/FP
APPLICATION Site:	7 Gorseway

NOTATION:

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

DESCRIPTION OF SITE:

The application site comprises of a semi-detached dwelling which is linked to a further pair of semi-detached dwellings by garages.

The property is part of a larger development and is finished in a buff brick under a gable end pitched roof.

The property has a single garage attached to one side with a driveway in front sufficiently deep to provide an extra parking space.

The front garden comprises of grass with an open front boundary adjoining the pavement. The property is accessed from the driveway by a pathway which allows for a small planting bed below the kitchen window.

The wider character of the surrounding housing development comprises of a variety dwelling types, but this original development scheme provides soft landscaping areas to the majority of these other residential properties.

DESCRIPTION OF PROPOSAL:

The proposal is to convert the existing garage in to habitable accommodation with a separate store room behind.

To facilitate this it is proposed to change the existing garage door with a window to match the existing kitchen window and to insert this in new brickwork to match the existing.

In addition, it is also proposed to create a replacement parking space in front of the dwelling by hard surfacing the grassed area.

PLANNING HISTORY:

S6/2011/2338/PD - Convert existing garage into habitable space advice given 03/11/11

S6/2011/2152/PD - Convert attached garage into habitable space –advice given 17/10/11

S6/2003/0656/DE - Erection of 88 new dwellings with associated access roads, garages and parking areas - A(G) 26/02/2004

S6/2002/1328/FP - Amendment to plot 122 of planning permission reference S6/2001/1045/DE - A(G) 21/10/2002

S6/2002/0967/FP - Erection of 46 dwellings. (amendments to planning approval ref. S6/1999/971/FP) - A(G) 30/09/2002

S6/2001/1045/DE - Erection of 111 houses and 20 flats, together with garaging, parking areas, access roads, footways / cycleways and public open space - A(G) 21/05/2002

S6/1999/1115/OP - Residential development (outline) including access to public highway- granted subject to S106 30 April 2002

SUMMARY OF POLICIES:

National Policy

PPS1: Delivering sustainable development

PPG13: Transport

PPS25 Development and Flood Risk

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

SD1: Sustainable Development

GBSP2: Towns and Specified Settlements

M14: Parking Standards for New Developments

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:

None

TOWN/PARISH COUNCIL COMMENTS: None

REPRESENTATIONS:

None, period expired 21/12/11

DISCUSSION:

The main issues are:

1. The quality of design and the impact on the character of the area
2. Parking
3. Other Material Planning considerations

1. The quality of design and the impact on the character of the surrounding area

Local Plan Policies D1 and D2 are relevant along with the Supplementary Design Guidance (SDG).

The proposed changes to convert the existing garage into habitable accommodation would require altering the appearance of the dwelling at the front by change the garage door to a window in surrounding brickwork.

These proposed changes which include a window that would reflect the design of the existing kitchen and the use of matching materials, including the brickwork, are considered to be in keeping with the character of the existing dwelling and the surrounding area.

Subject to a planning condition requiring the use of matching materials, this part of the proposal would comply with Local Plan Policies D1 & D2 and the SDG and Policy ENV7 of the East of England Plan.

In regards to the proposed changes requiring the hardsurfacing of the front lawn to tarmac, it is necessary to consider the impact of this change on not only the character of the existing dwelling, but that of the wider existing development of neighbouring residential properties.

The proposal would result in the loss of all the soft landscaping to this dwelling, apart from the planting bed between the path to the front door and under the kitchen window.

As such, this would leave only a very small area of soft landscaping. Whilst the loss of this area of grass would be limited in size to that when compared to that of all the combined areas of soft landscaping for the wider surrounding housing development, it still provides an important feature in softening the appearance of not only the application dwelling but that of the wider streetscene.

Furthermore, its proposed use as a parking space would mean that at times there would be a parked vehicle in this location, adding further to the loss of the visual amenity of the streetscene.

Whilst it is accepted that other properties in the wider development have been granted planning permission to add new hardsurfacing to their frontages, such as at No.21, it is important that each development is considered on its own merits. In addition, the cumulative impact of such developments is a relevant consideration, and any precedent which could be set by this proposal may result in the Council having difficulties resisting further applications from say No.5 Gorseway which has a similar arrangement.

Permitted Development Rights

In assessing this application, it would be reasonable to consider whether permitted developments would allow for the proposed hardsurfacing of the front garden.

The General Permitted Development Order (as amended 2008) GPDO 2008 under Part F (Hard surface) does allow for hardsurfacing on land between the principal wall and highway subject to the following conditions for areas over 5 sqm, which is the case in this application:

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and*
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,*

either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Although no details are submitted in this application of the proposed construction or levels and falls for surface water drainage there is a reasonable likelihood that these could be designed and subject to a planning condition.

However, the purpose of this planning application is to assess whether this application complies with the design standards imposed by the Planning Conditions in the Local Plan and the above assessment is that this is considered clearly not to be the case. On this basis, it is reasonable to withhold planning permission for non-compliance.

Notwithstanding this, considering a 'fall-back' position is a material planning consideration, and the permitted development rights, although not advanced by applicant is a relevant issue.

As it would be reasonable to expect the applicant to utilise their permitted development rights for hard surfacing, then a future application with this replacement parking already in existence would overcome the issues raised above.

On balance, and with the acceptance that the use of permitted development rights as a 'fall-back' position is applicable here, it would be unreasonable in this instance to withhold planning permission on this issue alone.

Overall, the proposal complies with Policy D1 & D2 and the accompanying SDG and Policy ENV7 of the East of England Plan for the garage conversion. In regards to the hardsurfacing of the front garden the 'fall-back' position' for permitted development rights is accepted subject to imposing the 2 conditions given in Part F of the GPDO 2008.

2. Parking

Local Plan Policy M14 is relevant along with the Supplementary Planning Guidance Parking Standards January 2004 and PPG13.

The planning history for this site is relevant, as the original outline planning application (S6/1999/1115/OP) imposed the following planning condition (No.13) :

'The details to be submitted in accordance with Condition 1 of this permission shall included the provision of car parking spaces or garages for all dwellings to accord with the standards in November 1999 Supplementary planning Guidance for the site, unless the Local Planning Authority otherwise agrees in writing, and the parking spaces and garages provided shall be retained for that purpose thereafter'

This site was then subject to a number of further applications, however, the relevant and implemented reserved matters application is: S6/2003/0656/DE

This application site is therefore subject to this condition which therefore requires the retention of this garage for parking. The reason for this condition was to 'ensure adequate off-street parking is provided, in the interests of highway safety'.

The current parking standards for this site are contained in the Supplementary Planning Guidance and PPG13. It is relevant to note that PPG13 no longer refers to maximum parking limits following the issue of a new Annex in January 2011 by Central Government.

This site is located outside Zones 1-4 in the Supplementary Planning Guidance and as this is a 3 bedroom dwelling 2.25 spaces need to be provided. As 2 spaces were originally provided in the original planning permission, this standard remains the same.

The proposal provides a replacement parking space in front of the dwelling which would overcome the loss of the garage space.

Subject to the provision of this replacement parking space, which can be subject to a planning condition for implementation prior to first occupation of the new development, the level of parking would be sufficient to comply with the current parking standards required by the Local Planning Authority for the number of bedrooms contained in the existing dwelling and for this location. Furthermore, the reasons why the original planning condition for application S6/1999/1115/OP, which are still considered to be applicable, would be complied with.

In summary, subject to this planning condition, the proposed development would comply with Local Plan Policy M14 and the Supplementary Planning Guidance and PPS13.

3. Other Material Planning Considerations

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:

RECOMMENDATION: APPROVAL AND CONDITIONS

1. C.2.1 Standard 3 Year Time Limit
2. C.13.1 Approved Drawings: Site Location Plan & 2383-1 & 2383-2 received and dated 16 November 2011.

PRE DEVELOPMENT

3. C.5.2 Matching Materials

PRE OCCUPATION

4. The proposed hardsurfacing shown on approved drawing 2383.1 for the replacement parking shall be implemented prior to first occupation of the development hereby approved and retained thereafter. This hardsurfacing shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

REASON: To ensure that an adequate level of off-street parking is maintained and to minimise the effects of flooding in accordance with Local Plan Policy M14 of the Welwyn Hatfield District Plan 2005, PPG13 (Transport) and PPS25 (Development and Flood Risk)

REASON FOR APPROVAL

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPG13 & PPS25, East of England Plan 2008 policies SS1, ENV7 & T14 and local development plan policies SD1, GBSP2, M14, D1 & 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.....