

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>S6/2011/2856/FP</b>
<b>APPLICATION Site:</b>	<b>42 Theobalds Road, Cuffley</b>

**NOTATION:**

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

**DESCRIPTION OF SITE:**

The application site is located on the west side of Theobalds Road and comprises of a detached bungalow which is finished in a grey coloured render below a concrete interlocking tile roof. The windows are finished in white PVC.

To the front is a hardstanding which provides access to a garage attached to the side of the property. To the rear is a rear terrace which steps up to the rear garden area which then gently slopes upwards to the back boundary.

This part of Theobalds Road is characterised by similar properties of a similar size and appearance on the west side of the road, some of which have also been converted to chalet bungalows with the use of dormers. It is likely the properties were all built at the same time to a similar design.

On the opposite side of the road, there are a group of semi-detached bungalows, some of which have also been converted to chalet bungalows.

**DESCRIPTION OF PROPOSAL:**

The proposal seeks planning permission for a rear extension measuring approximately 2m in depth. To the rear, the ridgeline of the existing roofline is proposed to be extended by 5.9m in depth creating a rear gable end at first floor level in line with the proposed ground floor rear extension. Four dormer windows are proposed, two on either side elevation of the roofspace.

**PLANNING HISTORY:**

S6/2002/1036/FP – Erection of single storey front and side extension to form garage and habitable room. Granted 12<sup>th</sup> August 2002

S6/2011/1116/FP - Single storey extension, alterations to roof to include; semi hip to gable conversion at front of roof, 2 dormer windows, raising of roof ridge and extend roof at the side. Refused 12<sup>th</sup> August 2011 for the following reason:

*The proposal would, by reason of its incongruous design, height and scale, significantly harm the appearance of the existing dwelling and the established character of the streetscene of Theobalds Road, due to proposed increase in the height of the roof ridge, along with a side roof extension, both of which would result in an unbalanced appearance at odds with the character of the existing dwelling and neighbouring bungalows. In addition, the addition of a gable to the front elevation further adds to this harm by creating an alien feature. The proposals are therefore contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance (Statement of Council Policy)'.*

### **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

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

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

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

### **CONSULTATIONS:**

None received

### **TOWN/PARISH COUNCIL COMMENTS:**

Northaw and Cuffley Parish Council have concerns that the dormer side windows may create an issue of overlooking.

### **REPRESENTATIONS:**

This application has been advertised by neighbour notification letters and one representation has been received. The representation objects to this application as there are no plans showing the change in the roof space. The representation raises concern of overlooking.

Period expired 3<sup>rd</sup> February 2012

## **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 residential amenity of neighbouring properties**
- 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.

The streetscene of Theobalds Road generally comprises of detached bungalows with hipped roofs. A number of these bungalows have created habitable rooms with the roofspace by incorporating hip to gable enlargements and dormer windows. The dwelling is situated within two dwellings which have both created hip to gable enlargements to the rear. The neighbouring dwelling to the south, No.44 has also incorporated four dormer windows. The proposed development at No.42 is not considered to appear overly prominent or detract from the character of the existing streetscene taking into consideration the development carried out to neighbouring dwellings. The proposed dormer windows will appear subservient and measure at least 1 metre from the flank boundary in accordance with policy D1 and paragraph 5.2 (vi) of the supplementary design guidance.

The materials and the window fenestration will match that of the existing dwellinghouse. The proposal overall 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 residential amenity of adjoining properties**

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 neighbouring properties, No.40 and No.44 Theobalds Road. The proposed single storey rear extension and hip to gable enlargement to the rear is not considered to impact on sunlight/daylight to the neighbouring properties or appear overly prominent taking into consideration that both neighbouring properties have carried out similarly designed extensions.

The proposed dormer windows in relation to No.40 Theobalds Road are not considered to result in a detrimental loss of privacy or overlooking as no dormer windows or roof lights exist on the roofspace of No.40. Dormer windows exist at No. 44 Theobalds Road which would look onto the dormer windows proposed at No.42. However, the rear of the two dormer windows proposed on the southern side elevation is shown to form part of an ensuite and therefore it would be appropriate to condition the window to be obscure glazed and non opening below 1.7m. The other dormer window proposed on the southern side elevation will form part of a bedroom and is the only window serving this bedroom. For building control reasons it would not be appropriate to condition this window. However, the front of the two dormer windows on the side elevation of No.44 is shown to form part of the stairwell on the plans submitted under application reference (S6/1997/0901/FP) and as such the proposed dormer window at No.42 would not be overlooking a habitable room.

Overall, the proposed to not considered to result in a detrimental loss of amenity to adjoining neighbours in terms of overlooking, privacy or loss of sunlight/daylight to warrant refusal in accordance with policy D1 of the Welwyn Hatfield District Plan, 2005.

### **3. Other Material Planning Considerations.**

**Car Parking:** The proposal will result in the addition of a second bedroom. The existing dwelling has adequate hardstanding to the front of the dwelling to accommodate three cars in addition to the existing garage. The proposal is therefore considered to comply with the appropriate car parking standards in accordance with policy M14 of the Welwyn Hatfield District Plan, 2005.

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

## **RECOMMENDATION: APPROVAL WITH CONDITIONS**

Application S6/2011/2856/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  
071/EX/001 & 071/PL/002 Rev. A & 071/PL/006 Rev. A & 071/PL/005 Rev. A  
& 071/PL/004 Rev. A & 071/PL/001 & 071/PL/003 Rev. A received and dated  
22<sup>nd</sup> December 2012

3. C.5.2 – Matching materials

4. C.7.9 – Fixed and obscure glazing

The proposed dormer window on the southern side elevation forming the ensuite shall be glazed with obscured glass and shall be fixed so as to be incapable of

being opened below a height of 1.7 metres above floor level, and shall be retained in that form thereafter.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005

**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, M14, 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**.....