

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2012/0085/FP
APPLICATION Site:	14 Church Close

NOTATION:

This site is located within the specified settlement of Cuffley as outlined in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application site is located on the east side of Church Close and consists of a detached two storey dwelling with a garden to the front, side and rear. The street scene is residential in character containing a variety of dwellings in respect of both size and appearance. The site is bound to the rear by the gardens of neighbouring residential properties which front onto Northaw Road East. These properties are situated at a significantly lower level than the application dwelling. The boundaries of the rear garden are defined by a hedge approximately 2m in height. Within the front garden of the application site an area of hardstanding provides off street parking for approximately four cars in addition to an integral garage. The application dwelling is finished with red facing brick, white painted render, concrete roof tiles and white PVC windows. The roof is gabled in design with two pitched roof dormers to the front serving the first floor accommodation.

DESCRIPTION OF PROPOSAL:

This application seeks full planning permission for the erection of single storey side extension. The extension would be situated to the south side of the dwelling and would measure approximately 5.3m in depth by 3.9m in width with a gable roof approximately 5.6m in height. A set back of approximately 2.8m would be maintained from the principle elevation of the application dwelling. Windows are proposed with the front, side and rear elevations of the extension. All external finishes and materials would match existing.

PLANNING HISTORY:

S6/2006/0491/FP – Demolition of existing garage and erection of a two storey side extension and new pitched roof for existing front dormer (Granted 12/06/2006)

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Planning Policy
PPS1: Delivering Sustainable Communities
PPS9: Biodiversity and Geological Conservation
PPG13: Transport

East of England Plan 2008
SS1: Achieving Sustainable Development
ENV3: Biodiversity & Earth Heritage
ENV7: Quality in the Built Environment

T14: Parking

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

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

CONSULTATIONS:

None

TOWN/PARISH COUNCIL COMMENTS:

Northaw and Cuffley Parish Council – No objection

REPRESENTATIONS:

The application was advertised by neighbour notification letters. One representation was received from a resident of Northaw Road East objecting to the proposal due to the potential for additional overlooking as a result in the change in levels.

DISCUSSION:

The main issues are:

1. The impact of the proposal on the character and appearance of the existing property and on the amenity of adjoining properties
2. Impact on the residential amenity of neighbouring properties
3. Other material considerations

1. The impact of the proposal on the character and appearance of the existing property and on the amenity of adjoining properties

National Planning Policy Statement 1: Delivering Sustainable Development (PPS1) requires planning authorities to plan for high quality design which is appropriate in its context. Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location.

The proposed extension would appear subordinate in scale to the original dwelling, would respect existing spacing and not appear cramped on the site. Approximately 6m separation distance would be maintained from the side boundary to the south of the site. The architectural style, windows, detailing and materials are appropriate to the original dwelling. Overall it is considered that the design of the resulting dwelling would adequately respect the character of the area. The extensions are therefore considered to be in accordance with PPS1 Delivering Sustainable Development and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

2. Impact on the residential amenity of neighbouring properties

The impact of the proposed development on the residential amenity of neighbouring dwellings is considered in terms of the impact on neighbouring properties access to day/sun/sky light, privacy and overbearing impact. Giving consideration to the scale of the proposal and its setting, it is considered that the proposed extension would not have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring residences and would not appear visually overbearing.

One representation was received from a resident of Northaw Road East objecting to the proposal due to the potential for additional overlooking. Notwithstanding the change in levels between the application site and the properties on Northaw Road East, views from the ground floor level windows within the side and rear elevation of the extension would predominantly be to the rear garden of the application site which is bound by a mature hedge. The impact on the amenity of neighbouring occupiers would be limited by the effective screening provided by the boundary hedge and approximately 25m separation distance which would be maintained between the extension and the nearest dwelling on Northaw Road East. The limited increase in potential for overlooking is not considered sufficiently harmful over-and-above the present situation to justify refusal of planning permission. Overall it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level in accordance Policy D1 Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

3. Other material considerations

Sustainable Development: The applicant has completed a sustainability checklist which highlights that the scheme generally responds positively to the topic areas that are required to be considered in accordance with policies SD1 and R3 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance, 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. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: *"a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."* The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals, however 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 policy(ies) 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 to be in accordance with the relevant national policies and guidance, policies within the East of England Plan 2008, the Welwyn Hatfield District Plan 2005 and the requirements of the Supplementary Design Guidance (Statement of Council Policy).

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1 – Time Limit
2. C.13.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details CC/01 & CC/02 received and dated 12 January 2012

POST-DEVELOPMENT

3. C.5.2 – Matching Materials

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPS9 and PPG18, East of England Plan 2008 policies SS1, T14, ENV3 and ENV7 and development plan policies GBSP2, SD1, R3, M14, D1, D2 and Supplementary Design Guidance 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

INF11 Damage to Grass Verges

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