

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2012/0096/FP
APPLICATION Site:	9 Wilkins Green Lane, Hatfield

NOTATION:

The site lies within the settlement of Hatfield and the Watling Chase Community Forest as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application site accommodates a detached bungalow. The adjacent dwellings to the east of the application site have a very linear relationship and the properties to the west have a more staggered arrangement. The surrounding properties are individually designed detached houses and bungalows which are set on spacious plots. Wilkins Green Lane has a very rural appearance and is well landscaped, to the west of the site the lane leads into the Metropolitan Green Belt.

The application dwelling is set back from the front boundary of the plot by approximately 42m and has a large area of amenity space to the front. The application dwelling and adjacent dwelling to the west share an access from Wilkins Green Lane, which forks to access either property. To the rear of the dwelling the garden space is relatively shallow and well enclosed to all boundaries.

DESCRIPTION OF PROPOSAL:

The proposed development would involve the erection of a large two-storey extension which would have accommodation within the roofspace. To the rear of the existing property a section of the property would be demolished. To the front of the property two dormer windows would be positioned within the front plane of the roof. A detached garage would be sited to the western flank of the dwelling.

PLANNING HISTORY:

S6/1983/0683/FP – Detached garage – Approved 08/11/1983.

SUMMARY OF POLICIES:

National Planning Policy Framework

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

SS2: Overall Spatial Strategy

ENV7: Quality in the Built Environment

T14: Parking

Hertfordshire Structure Plan Review 1991 – 2011:
None.

Welwyn Hatfield District Plan 2005:
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
D7: Safety by Design
D8: Landscaping
D9: Access and Design for People with Disabilities
RA11: Watling Chase Community Forest

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

CONSULTATIONS:

Hertfordshire County Council (Transport Programmes & Strategy) – This application for extensions will not impact upon highway safety or capacity. The proposal retains the same level of parking and no works within the public highway are required.

Welwyn Hatfield Council (Trees and Landscape) – No objection. The existing trees are not worthy of protection but the comments made suggestions to protect existing trees during construction works.

HATFIELD TOWN COUNCIL COMMENTS:

None.

REPRESENTATIONS:

This application has been advertised and 2 representations have been received, raising the following comments:

- Loss of daylight to the adjacent dwellings;
- loss of sunlight to the adjacent dwellings;
- loss of privacy and overlooking;
- the proposed building is too large for the plot;
- the proposal would effectively be three-storey;
- the application dwelling is sited on higher ground and close to the shared boundary;
- loss of privacy to the adjacent garden;
- insufficient parking space;

- the proposal has been design to be excessive to allow negotiations on a compromise in the future.

Period expired 24 February 2012.

DISCUSSION:

The main issues are:

1. The proposed development's impact upon the character and appearance of the locality
2. The proposed development's impact upon the residential amenities of the adjoining occupiers
3. Other Material Planning Considerations

1. The application dwelling is within an area that has a variety of dwellings and does not have a very uniform character or layout. Therefore, there is some flexibility in the design of new additions, however, the resultant dwelling should not appear overly prominent or out of place.

The proposed development would add to the existing dwelling significantly and would not be subordinate in scale. To the front of the property the proposed extensions would be 2 ½ storey in appearance and the resultant height, width and depth of the dwelling would give it a large and dominant appearance. When travelling along Wilkins Green Lane the properties are generally two-storey in appearance as a maximum. The properties to the east have hipped roofs and appear in proportion with the plots and surrounding features.

The proposal's depth would be significant and although it is accepted that the existing property has a relatively large footprint and depth, this is often the case with bungalows, and two-storey properties usually have very different proportions. Due to the depth of the proposal at first floor level a large flat roof is required to prevent it from being excessively tall. As a result the proposal would appear bulky, boxy and dominant which is not a feature of the surrounding dwellings and this would not achieve an acceptable standard of design.

It is accepted that Great Nast Hyde House appears very large and dominant appearance, however, this is an individual grade II Listed Building which is set within substantial grounds. Due to the size of Great Nast Hyde House's plot and surrounding land it does not appear cramped or out of place. However, it is viewed differently to the other residential properties to the east of Wilkins Green Lane.

The side boundaries of the application plot follow an unusual line which means the majority of the first floor flank elevations would have a distance greater than 1m from the side boundaries. When viewed from the surrounding area the application dwellings separation from the neighbouring properties would be sufficient to prevent a terracing impact. Although the distance from the boundary is not directly a reason for objection, the depth of the property would appear excessive and the distance

from the boundary is not sufficient for a property of such a significant two-storey depth.

The proposed garage would not be sited in an ideal location as due to the boundary position and proximity of the dwelling it would appear cramped and contrived. Although there is not space to comfortably accommodate the proposed garage, due to the relatively low height and its relatively small size, it would not appear overly prominent or have an adverse impact upon the character and appearance of the site.

2. The proposed development would add a large, tall and bulky addition to the existing house. The resultant dwelling would appear dominant and obtrusive when viewed from the adjacent plots. Due to the siting of the application dwelling and the neighbouring properties, the proposed development above single storey level would be in clear view from the neighbouring properties.

The existing dwelling is set forward of the adjacent dwelling to the west (no 10) and the proposed development would all be to the front of this adjacent property. The western flank wall of the proposal would have a depth of approximately 14m at first floor level and the large flat topped roof would give the property a bulky overly dominant appearance. When accessing number 10 the resultant dwelling would appear overly prominent and out of proportion with the scale of dwelling within this area. Glimpses of the additional depth at ground floor level would worsen the appearance of the dwelling and its excessive depth. The resultant dwelling's prominence and odd appearance due to the excessive depth and large flat roof would not respect the character and appearance of the locality.

The proposal would be set back beyond the rear of number 8. The proposed development would have a two-storey depth of approximately 8.5m beyond the original rear elevation of the number 8. This depth would extend to be over 12m when the single storey element of the application dwelling is taken into account.

As existing there is a tall evergreen hedge on the shared boundary with number 8, which appears to be well maintained for privacy. Although this hedge exists, it cannot be solely relied upon as a permanent screen as it is not worth or protection and could be subject to storm damage, disease or removal at any time.

It is acknowledged that number 8 has an existing single storey rear extension which would be approximately 4m forward of the proposed two-storey extension. Although the ground floor area of number 8 would not suffer an adverse impact due to the depth of the proposal, the outlook from the first floor windows which are within the original dwelling would suffer an adverse impact. As existing the depth of the dwelling is very deep when considering the position of number 8. However, the proposed extensions to this side of the property would be tall, bulky and have an unacceptable cumulative impact.

When looking out of the first floor rear windows of number 8 there would be a mass of dominant development close to the shared boundary. This impact would be worsened if the hedge were to be removed or reduced in the future.

The proposed development would result in some overshadowing of both neighbouring plots. Although this would be noticeable from number 10, the design of the ground floor windows and orientation of the dwelling would prevent an excessive loss of sunlight/daylight for a substantial period of the day. A slightly worse impact would be suffered by the occupiers of number 8 who would have some overshadowing of a ground floor bedroom window and a large proportion of the front garden. However, this loss of light would not be to the main habitable parts of the dwelling which are used during the daytime and the loss of sunlight/daylight would not be for a substantial period of the day.

Although the loss of light to these properties would not be excessive or singularly result in an unacceptable impact upon the living qualities of the occupants, the impact would be cumulative. When considering the proposed development would be overbearing, the overshadowing is a related consequence which would worsen this impact.

As existing the application dwelling is set on a raised ground level, which sits above the ground level of both adjacent properties. The existing side facing windows of the application dwelling have a slight view above the boundary fence and towards the nearest windows of the adjacent dwelling. Although there is a relatively unobstructed view of some windows and it is not easy to see a significant amount of the internal and private space of these properties. Therefore, any existing impact is likely to be more perceived overlooking rather than a direct and adverse loss of privacy. Although there is an existing situation where the existing dwelling results in some perceived overlooking, it would not be appropriate to worsen this situation.

The proposed side facing windows could be conditioned to remain obscure glazed and top vent level opening only. Although the first floor windows in the side elevation would be new, provided they did not have a clear outlook they would not result in an adverse loss of privacy to the neighbouring occupiers. The proposed first floor windows to the east of the rear elevation would have a view primarily to the rear. Although some of the rear section of number 8's garden would now be viewed, this does not form the private section (area near the rear elevation) and the habitable room windows of the dwelling would not be overlooked. Therefore, although this area was not previously viewed and is likely to receive more sun than the remainder of the garden, the view of this area from the proposal would not have an adverse impact upon the privacy of the occupants at number 8.

The proposal would involve construction of a bedroom at first floor level to the western side of the rear elevation. Although the window to this room would not have a direct back-to-back relationship, it would be too close to the bedroom window within the front elevation of number 10. As a result this window would result in direct and perceived overlooking of number 10. Due to the proposed height this would be far worse than the existing ground floor windows that have a view towards number 10.

The proposed development would therefore fail to meet the requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. Other Material Planning Considerations

Trees and Landscaping: The application site is enclosed to the front and several parts of the site boundaries by tall and dense tree/vegetation cover. Although many of the existing trees are mature, the Council's Tree Officer has assessed the site and does not consider there are any trees worthy of protection.

As existing the trees and vegetation provide a screen and prevent the application dwelling from being viewed prominently from the surrounding public areas. It would be appropriate that some of this vegetation is retained to prevent any alterations to the front of the dwelling being viewed too prominently. However, as these trees are not worthy or protection the applicant could only be encouraged to retain the planting and this landscaping cannot be guaranteed to remain in perpetuity. The trees lack of permanency is emphasised by the fact that at the time of the officer site visit some trees had clearly been recently removed within the plot and very large stumps appeared to be freshly cut. The existing vegetation could also be subject to disease or storm damage in the future, which could reduce its density and cover.

Therefore, the existing trees and vegetation cannot be solely relied upon as a permanent screen. If approved it would be appropriate to agree a landscaping scheme to agree suitable planting for the site. However, the visual impact of the development must be viewed with the possibility in mind that a significant amount of the mature vegetation could diminish in the future.

Watling Chase Community Forest: Within the boundaries of Watling Chase Community Forest the Council seek to achieve the objectives of the Forest Plan, including landscape improvements. The proposed development would not adversely affect any trees or mature vegetation that are considered to be worthy of protection or fall within the protected woodland. Although the proposal would not have any direct impact upon the local landscape quality of the area, Policy ENV1 of the East of England Plan 2008 encourages the enhancement of Green Infrastructure. When considering that the development appears to have recently reduced the tree cover surrounding the dwelling, some tree planting within the plot would be appropriate. If approved it would be appropriate to condition details of any further landscaping within the plot to be agreed. It therefore may be appropriate to include the planting of trees within the landscaping scheme to address the aim of the Forest Plan.

Parking Provision: The application site has an existing long drive and a large frontage that has sufficient space to park several cars off of the public highway. This space would be retained and would exceed the requirements of the parking standards of the Welwyn Hatfield District Plan 2005.

Energy Efficiency and Sustainability: The application has been submitted with a sustainability checklist which notes the construction the development would comply with or exceed the thermal requirements for Building Regulations. The checklist also notes that where possible the development would reuse materials and water/energy efficient fixtures and fittings would be used. Considering the proposal comprises an extension to an existing dwelling, these provisions would meet the requirements of Policies 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. 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 an 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.

Covenant: During the course of the application a Land Registry document was submitted by a neighbour who considered it meant there were legal restrictions that prevent a new dwelling being built on the application site. Within a verbal discussion it was explained to the neighbour that this was a legal matter which is a requirement outside of the planning process.

CONCLUSION: The proposed development has failed to reflect the characteristic of the surrounding area and would not achieve an appropriately high standard of design. The proposal would appear overbearing and too dominant which would impact upon both the character of the area and residential amenity of the neighbouring occupiers. Due to the design of the proposed dwelling, the adjacent

occupiers to the west would suffer an overlooking impact and direct loss of privacy. The proposal has therefore failed to meet the requirements of Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

RECOMMENDATION: REFUSAL AND REASONS

1. The proposed development, by reason of its design, bulk, depth and overall size would appear out of place and have an adverse impact upon the character and appearance of the locality. Furthermore, the proposal would appear overbearing, dominant and too prominent when viewed from the surrounding area. In particular, the 2.5 storey appearance to the front of the dwelling, large flat roof and particularly deep flank elevations would appear excessive and out of proportion with the existing development within the locality. The proposal is therefore contrary to the National Planning Policy Framework, Policy ENV7 of the East of England Plan 2008 and Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

2. The proposed development by virtue of its siting, depth, height and proximity to the flank boundaries, would be overbearing and too dominant when viewed from the neighbouring plots. This overbearing impact would be worsened by some overshadowing of the adjacent land. The proposed dwelling would result in an adverse loss of residential amenity to the occupiers of the adjacent dwellings. The proposal is therefore contrary to the National Planning Policy Framework, Policy ENV7 of the East of England Plan 2008 and Policies GBSP2 and D1 of the Welwyn Hatfield District Plan 2005.

3. The proposed development by reason of its layout design and positioning of windows within the rear elevation would result in overlooking of the adjacent dwelling to the west (no 10). This overlooking and perceived overlooking of windows within the front elevation of number 10 would result in a direct loss of privacy and residential amenity. The proposal is therefore contrary to the National Planning Policy Framework and Policy D1 of the Welwyn Hatfield District Plan 2005.

INFORMATIVES: None.

REFUSED DRAWING NUMBERS:

Site Location Plan WGL 101-OS & WGL 102-11 & WGL 102-10 & WGL 102-1 & WGL 102-2 & WGL 102-3 & WGL 102-5 & WGL 102-20 received and dated 18 January 2012.

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