

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2012/0631/FP
APPLICATION Site:	10 Hill Rise, Cuffley

NOTATION:

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

DESCRIPTION OF PROPOSAL:

The proposal seeks planning permission for a single storey side extension and single storey extension to the rear of the existing garage.

PLANNING HISTORY:

S6/1988/0108/FP – Two storey rear extension. Granted 8 April 1988

S6/2002/1366/FP – two storey front and rear extensions, first floor side extension and conservatory. Granted 14 April 2003

S6/2004/0292/FP – Erection of single storey side extension. Granted 23 April 2004

SUMMARY OF POLICIES:

National Planning Policy Framework

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV7: Quality in the Built Environment

Welwyn Hatfield District Plan, 2005:

SD1: Sustainable Development

GBSP2: Towns and Specified Settlements

R3: Energy Efficiency

D1: Quality of Design

D2: Character and Context

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS:

None received

TOWN/PARISH COUNCIL COMMENTS:

Northaw and Cuffley Parish Council have no objection

REPRESENTATIONS:

This application has been advertised by neighbour notification letters and site notice and two representations have been received, raising the following comments:

- The existing single skin brick 'garage' was built on top of the concrete boundary retaining wall. We assume the extension will be stepped back (not shown on the plans) as the existing boundary retaining wall may possibly not support a new structure.
- Also confirm that the existing shed will be demolished otherwise the light to 12 Hill Rise will be severely reduced,
- Concerned that the overall plan linked to the planning application is incorrect with revised plans submitted showing the parcel of land to the rear of both No.10 and 12 Hill Rise is in the ownership of No.12

Period expired 22 June 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 adjoining properties**
 - 3. Other material planning considerations**
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- 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 proposed garage/kitchen extension relates acceptability to the domestic scale and character of the existing dwelling. The architectural style, roof form, windows, detailing and materials proposed are also appropriate. The proposal would have no impact on the streetscene and would remain subordinate to the dwelling itself. The proposal therefore complies 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 rear extension to the garage is to be located abutting the boundary with No.12 which is a bungalow set at a lower level than the application site. There are two windows at ground floor level, along with an obscure glazed door, and a small first floor dormer window on the south east facing flank elevation of No.12. It is considered that the proposed extension to the garage would not bring about an unacceptable reduction in daylight reaching these windows given the relative orientation of the two properties. The single storey structure proposed would have a flat roof at the boundary with No.12 (the mono-pitched roof section being over the extended kitchen area only) and so would not appear unduly dominant nor would it be overbearing. There are no windows proposed on the flank elevation of the garage facing No.12 so there is no possibility of overlooking that dwelling. The proposal therefore complies with policy D1 of the Welwyn Hatfield District Plan, 2005.

3. Other Material Planning Considerations

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 the National Planning Policy, 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:

To conclude, the proposed single storey side extension relates acceptably to the original character of the dwelling and to the streetscene and will not adversely affect the amenity of occupiers of neighbour properties.

RECOMMENDATION: APPROVAL WITH CONDITIONS

Application S6/2012/0631/FP should be **APPROVED** subject to the following conditions:

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details: HR/10/01 Rev. A & HR/10/02 Rev.A & HR/10/03 Rev.A & HR/10/04 Rev.A & HR/10/09 Rev.A received and dated 21 May 2012

Post Development

3. C5.2 - Matching materials

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against the National Planning Policy Framework, East of England Plan 2008 policies SS1, ENV7 and development plan policies SD1, GNSP2, R3, 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.....