

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2012/1013/FP
APPLICATION Site:	375 St. Albans Road West, Hatfield

NOTATION:

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

DESCRIPTION OF PROPOSAL:

The proposal seeks planning permission for a front extension.

PLANNING HISTORY:

S6/2008/0607/FP – Erection of single storey rear extension. Granted 15 May 2008

S6/2008/0679/FP – Erection of single storey rear extension. Granted 30 May 2008

SUMMARY OF POLICIES:

National Planning Policy Framework

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV5: Woodlands

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

RA11: Watling Chase Community Forest

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS:

None received

TOWN/PARISH COUNCIL COMMENTS:

None received

REPRESENTATIONS:

This application has been advertised by neighbour notification letters and no representations have been received. 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**

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 front extension to create a porch is similar to those which already exist for other properties along the road for properties of the same design and so will be in keeping with the established character of the area and so reflects the character of the parent property.

The proposal therefore complies with Policies GBSP2, D1, D2 and the SPG.

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.

Policy D1 and the SDG are relevant.

The main concern relates to the impact of the proposal on the amenity of the neighbouring property at No.377

The proposal is located over 3m from the common boundary with this neighbour and so no issues arise from the potential impact on this neighbour's residential amenity.

The proposal therefore complies with the residential amenity requirements for Policy D1 and the SPG.

3. Other Material Planning Considerations

Watling Chase Community Forest: The application site is located within the Watling Chase Community Forest. Policy ENV5 of East of England Plan, 2008 encourages new woodland creation to be targeted at Watling Chase Community Forest with the aim of increasing their woodland cover to 30% by 2030. There is a strong presumption against development that would result in the loss or deterioration of the woodland. Taking into consideration that the additional built development is minimal, it would not result in the loss or deterioration of woodland and therefore would not be required to provide any additional planting as part of the proposal.

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:

The proposal is considered to comply with the design and amenity requirements of the above policies.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details: 2833-OS1 & 2833-OS2 & 2833-P01 received and dated 16 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, ENV5, ENV7 and development plan policies SD1, GBSP2, 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.....