

WELWYN HATFIELD BOROUGH COUNCIL  
PLANNING CONTROL COMMITTEE – 19 JULY 2012  
REPORT OF THE DIRECTOR (STRATEGY AND DEVELOPMENT)

S6/2012/1142/FP

9 WILKINS GREEN LANE, HATFIELD, AL10 9RT

ERECTION OF TWO STOREY FRONT EXTENSION, FIRST FLOOR REAR  
EXTENSION, DORMER WINDOWS TO ROOF AND ERECTION OF GARAGE ON  
SIDE ELEVATION

APPLICANT: Mrs J Titmuss

(Hatfield West)

**1 Site Description**

- 1.1 The application site accommodates a detached bungalow. The dwelling has yellow brick elevations below a grey concrete tiled roof. 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.
- 1.2 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.

**2 The Proposal**

- 2.1 The proposed development would involve the erection of a first floor area above the existing single storey detached bungalow. To the front of the property a two-storey extension would be constructed which would roughly be built inline with the front elevation of the adjacent dwelling to the east (number 9). This addition would have a single storey eaves height to the front, steeply pitched planes to the front and rear of the roof and three dormers to the front and rear planes of the roof. The main roof of the proposal would have a flat top and gable sides to a height of approximately 8m.
- 2.2 To the western side of the property an attached garage would be constructed. This addition would have a single garage width and gable sided design, with a ridge height of approximately 6m.

- 2.3 To the rear of the dwelling an existing rear projection would be altered to have a mansard roof. This addition would have side facing dormer windows and accommodation within the roofspace.
- 2.4 To the eastern side of the rear elevation a single storey area would be altered to have rooflights within the roofslope and a flat section would be added, which would allow three dormers to be positioned within the rear plane of the main roof.

### **3 Planning History**

- 3.1 S6/2012/0653/PA – Erection of two storey front extension with two dormers to front and first floor rear extension with rooflights to sides and rear plus garage to side. This proposal was verbally discussed in depth with the applicant and agent and concerns were raised the design would not overcome the reasons for refusal of the previous application. It was suggested that another design should be submitted for comments to allow an attempt to reduce and address the concerns raised. However, a formal planning application was submitted instead, prior to any further discussion.
- 3.2 S6/2012/0096/FP – Erection of two storey front extension, with two dormers to the front, roof alterations, rooflights to the side planes of roof, remodelling of elevations, garage to side and part demolition at the rear of the existing dwelling – Refused 27/03/2012 for the following 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.

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

## **4 Planning Policy**

- 4.1 National Planning Policy

National Planning Policy Framework 2012

- 4.2 East of England Plan 2008

SS1: Achieving Sustainable Development

ENV5: Woodlands

ENV7: Quality in the Built Environment

T14: Parking

- 4.3 Welwyn Hatfield District Plan 2005

SD1: Sustainable Development

GBSP2: Towns and specified settlements

M14: Parking Standards for New Developments

R3: Energy Efficiency

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

- 4.4 Supplementary Design Guidance, February 2005

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

## **5 Constraints**

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

## **6 Representations Received**

- 6.1 This application has been advertised by neighbour notifications, at the time of writing this report no representations had been received. Period expires 12 July 2012.

## **7 Consultations Received**

- 7.1 Welwyn Hatfield Borough Council (Trees and Landscape) – Comments on a recent similar application raised no objection. It was noted that the existing

trees are not worthy of tree preservation orders. It was suggested that if the existing trees area to be retained the relevant British standard should be followed to ensure their protection through construction works.

## **8 Town Council Representations**

- 8.1 No comments received at the time of writing this report. Period expires 13 July 2012.

## **9 Discussion**

- 9.1 This application is presented to the Planning Control Committee because of a call-in from Councillor Caron Juggins. This call-in is on the grounds that *“the proposal it is not too bulky for the site; many of the houses in the road are very big and this very small in size; the property is not going to interfere with the two property's at both sides and is in need of modernisation; plenty of land at front to achieve this.”*

- 9.2 **The main issues to be considered are:**

- 1. The proposed development's impact upon the character and appearance of the locality**
- 2. The proposed development's impact upon the residential amenity of the adjoining occupiers**
- 3. Other material planning considerations**

### **1. The proposed development's impact upon the character and appearance of the locality**

- 9.3 The application dwelling is within an area that has a variety of dwellings and does not have a set 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. Policy D1 of the Welwyn Hatfield District Plan 2005 states that the Council has adopted a design led approach which seeks to apply set design principles.

- 9.4 The Supplementary Design Guidance of the Welwyn Hatfield District Plan 2005 sets out the Council's requirements for residential extensions. These requirements supplement Policy D1 and set out specific principles that are expected to be met. The first requirement states:

*“extensions should be designed to complement and reflect the design and character of the dwelling and be subordinate in scale;”*

- 9.5 The proposed development would clearly not be subordinate to the existing dwelling as it would result in large additions which would exceed the height and size of the existing property significantly. As the proposal would not be subordinate in scale it would conflict with the first design requirement for residential extensions.

- 9.6 In addition to not being subordinate, the proposed extensions would appear out of keeping with the existing dwelling and neighbouring properties. The proposed development would give the property a very large roofspace, which would have very steeply pitched roof slopes to the front and rear and tall, deep flank walls to the sides. These features would give the property a very boxy and bulky appearance and not be in proportion or reflective of the ground floor of the dwelling.
- 9.7 The front and rear planes of the proposed roof would be viewed with the adjacent roof slopes that are proposed on the garage, dormers and rear extension. When viewing these roof slopes and those on neighbouring properties, the pitch of the main roof to the front and rear would appear excessively steep. A new mansard style roof is proposed over the existing rear projection which would introduce a further roof pitch and would worsen the resultant dwelling's unbalanced appearance.
- 9.8 The proposed main roof would have a particular large flat section. The roof's design illustrates that the area that it covers is far too large to accommodate an in keeping pitched roof without having an excessively high ridge. The height of the roof and depth of the side elevations would appear out of proportion with fenestration on the front elevation, which would give the property an overly dominant and unbalanced appearance.
- 9.9 The dormers and windows within the side elevation would appear to have a relatively low height when compared to the main ridge of the proposed roof. This would exacerbate the appearance of the roof being tall and covering a very large area when viewed from the side. The sides of the dwelling would be viewed from the neighbouring land and front of the dwelling. It has been noted that the dwelling is set back from the public areas to the front of the property, however, there would be clear views of the proposal, particularly from the neighbouring plots. Although some views of the sides of the property are partly screened by vegetation, this cannot be solely relied upon as a permanent screen as it is not worthy of protection and could be subject to storm damage, disease or removal at any time.
- 9.10 Therefore, the resultant dwelling would appear out of proportion, too dominant and too prominent when viewed from the surrounding areas. The proposal appears to have been designed to achieve a large internal floorspace rather than following the District Plan's design led approach. The resultant dwelling would therefore have an adverse impact upon the character and appearance of the locality. The proposed development would fail to meet the design requirements of Policies D1, D2 and the Supplementary Design Guidance of the Welwyn Hatfield District Plan 2005.

## **2. The proposed development's impact on the residential amenity of adjoining occupiers**

- 9.11 The proposed development would add large, tall and bulky additions to the existing house. The resultant dwelling would appear more noticeable when viewed from both adjacent dwellings. 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. When viewed from the adjacent dwelling to the east the proposal would appear dominant and obtrusive.

- 9.12 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 resultant dwelling would have a depth of approximately 25.5m at ground floor level and a depth of approximately 14m above single storey level. This side of the dwelling would have a flat topped gable end with a depth of approximately 11.5m and maximum height of approximately 8m. Although the roof height would be lower than the previous refusal, the resultant dwelling would appear particularly bulky. When viewed from the first floor windows of number 10 the resultant dwelling would appear overly prominent and out of proportion with the scale of the dwellings within close proximity.
- 9.13 The resultant dwelling's prominence and odd appearance due to the excessive depth and large flat roof would appear clearly noticeable from the neighbouring properties. As the proposal would not be in keeping with the character of the locality and not achieve a high standard of design, its prominent appearance would affect the residential amenity of the occupants of number 10.
- 9.14 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 taking into account the single storey element of the application dwelling which would be close to the eastern boundary. 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.
- 9.15 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 application dwelling has a large depth 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.
- 9.16 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.

- 9.17 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.
- 9.18 As existing the application dwelling is set on a raised ground level, which sits above the ground level of both adjacent properties. The existing west side facing windows of the application dwelling have a slight view above the boundary fence towards the nearest windows of number 10. Although there is a relatively unobstructed view of some windows, it is not easy to see a significant amount of the internal and private space of the neighbouring dwelling's rooms. 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.
- 9.19 The proposed first floor windows within the side elevations could be conditioned to remain obscure glazed and top vent level opening only. Although these first floor windows 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.
- 9.20 The proposed first floor windows to the east of the rear elevation would have a view primarily to the rear of the plot. 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.
- 9.21 The proposed first floor window within the rear of the proposed mansard roof would be relatively narrow and set away from the boundary with number 10. This window would not allow an open view towards the windows of number 10 due to the distance and angle that would separate these two areas.
- 9.22 The proposed east facing dormers within side of the proposed mansard roof would have a sideward view over number 8's plot. These windows would overlook an area towards the rear elevation of number 8 and the section of garden that surrounds the rear elevation of number 8. It has been acknowledged that there is an existing tall dense hedge on the boundary with number 8, however, if this were to diminish or be removed in the future the most private section of number 8's garden and dwelling would suffer direct overlooking. Overlooking of this would result in a direct loss of privacy to the occupants of number 8 and an unacceptable impact upon the residential amenities of this property's occupants.

- 9.23 The proposed development would therefore have an adverse impact upon the residential amenities of the adjoining occupiers and fail to meet the requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

### **3. Other material planning considerations**

- 9.24 **Sustainable development:** 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.
- 9.25 **Trees and Landscaping:** The application site is partly screened to the front and some sections of the plot's boundaries by tall and dense tree/vegetation cover. Although many of the existing trees are mature, the Council's Tree Officer has recently assessed the site and does not consider there are any trees worthy of tree preservation orders. As existing the trees and vegetation provide a screen and prevent the application dwelling from being viewed prominently from some of 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.
- 9.26 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 an 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.
- 9.27 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 and protection of trees during construction. 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.
- 9.28 **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 the development site 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 aims of the Forest Plan.

- 9.29 **Protected Species:** The presence of protected species is a material consideration, in accordance with National Planning Policy Framework, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.
- 9.30 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).
- 9.31 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:
- 9.32 *"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."*
- 9.33 The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals. These comprise:
- "Deliberate capture or killing or injuring of an EPS"
  - "Deliberate taking or destroying of EPS eggs"
  - "Deliberate disturbance of a EPS" including in particular any disturbance which is likely –
    - (a) to impair their ability –
      - (i) to survive, to breed or reproduce, or to rear or nurture their young, or,
      - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
    - (b) to affect significantly the local distribution or abundance of the species to which they belong
  - "Damage or destruction of an EPS breeding site or resting place" (applicable throughout the year).
    - e.g. bat maternity roost (breeding site) or hibernation or summer roost (resting place)

- e.g. great crested newt pond (breeding site) or logpiles / piles of stones (resting place)
- e.g. dormice nest (breeding site or resting place (where it hibernates))

9.34 In some circumstances a person is permitted to ‘derogate’ from this protection. The Conservation Regulations 2010 establishes a regime for dealing with such derogations via the licensing regime administered by Natural England. The approval of such a license by Natural England may only be granted if three strict "derogation" tests can be met:

- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained.

9.35 Notwithstanding the licensing regime, the Council as Local Planning Authority (LPA) has a statutory duty to have regard to the requirements of the Habitat Directive and therefore should give due weight to the presence of an EPS on a development site. Therefore in deciding to grant permission for a development which could affect an EPS the LPA should:

- a) Consider whether an offence to an EPS is likely to be committed by the development proposal.
- b) If the answer is yes, consider whether the three “derogation” tests will be met.

9.36 A LPA failing to do so would be in breach of Regulation 9(5) of the Conservation Regulations 2010 which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

9.37 The previous section of public land would have contained a limited area of landscaping and would not have formed a significant habitat for wildlife or protected species. When considering the previous photographs of this area show only a few small shrubs, the removal of these would not have an adverse impact upon any protected species.

9.38 **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.

9.39 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.

- 9.40 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.

## **10 Conclusion**

- 10.1 The proposed development would not be subordinate to the existing dwelling and has not been designed using the design principles set out within the Welwyn Hatfield District Plan 2005. The proposed development has failed to reflect the characteristics 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. The adjacent occupiers to the east would potentially 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.

## **11 Recommendation**

- 11.1 It is recommended that planning permission be refused for the following 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 roof design, 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 potential overlooking of the adjacent dwelling to the east (no 8). This overlooking and perceived overlooking to the private amenity area of number 8's plot 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.

11.2 REFUSED PLAN NUMBERS: WGL 101-OS & WGL 102-11 REV.A & WGL 102-10 REV.A & WGL 102-1 REV.A & WGL 102-2 REV.A & WGL 102-3 & WGL 102-5 & WGL 102-6 received and dated 11 June 2012.

Informatives

None.

Damian Manhertz (Strategy and Development)

Date: 9 July 2012

