

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2012/1892/S73B
APPLICATION Site:	46 Plough Hill, Cuffley

NOTATION:

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

DESCRIPTION OF SITE:

The application dwelling is a detached bungalow. To the front of the dwelling is a hardstanding which provides access to an attached flat roofed garage and a lawn. The front boundary is screened by a tall dense hedge and there is an open vehicular access. The application plot has a frontage width of approximately 15m and a depth of 45m. The application dwelling is set back from the front boundary of the plot by approximately 8m.

To the rear of the application dwelling is an amenity space that slopes downwards to the rear of the plot. The side boundaries of the plot are screened by dense mature vegetation. To the rear of the plot the flank of a neighbouring property is sited close to the boundary.

The site has not noticeable changed since the previous approval under reference S6/2009/1438/FP.

DESCRIPTION OF PROPOSAL:

The proposed development would involve an extension to the roof space at the rear over an existing single storey extension. A hipped roofed dormer would be added to the front plane of the roof, which would measure 1.5m in width by 2.2m in height. A hipped roofed dormer would also be added to the north western plane of the roof, which would measure 1.5m in width by 2.2m in height.

PLANNING HISTORY:

S6/2009/1438/FP - Roof alterations involving gable ended extension over existing rear extension, front dormer, side dormer and four rooflights – Approved 29 September 2009 subject to following conditions:

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details rid/plan/12 3 received and dated 7 September 2012 & rid/plan/12 2 received and dated 22 October 2012.
3. C5.2 Matching materials

4. C.7.9 Fixed and obscured glazing

S6/1977/0463/FP – Single storey rear extension – Approved.

S6/1977/0346/FP – Extension and conversion of roof space to provide a bedroom and toilet – Refused.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

The National Planning Policy Framework, March 2012

East of England Plan 2008

SS1: Achieving Sustainable Development

T14: Parking

ENV7: Quality of the Built Environment

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

D8: Landscaping

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

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

CONSULTATIONS

NORTHAW & CUFFLEY PARISH COUNCIL COMMENTS

The PC have no objection.

REPRESENTATIONS

None. Period expired 19 October 2012.

DISCUSSION:

The main issues are:

1. Whether the Extension to the Time Limit is Acceptable
2. Other Material Considerations

1. Whether the Extension to the Time Limit is Acceptable:

This application is for an extension to the time limit of planning application reference S6/2009/1438/FP for the erection of roof alterations involving gable ended extension over existing rear extension, front dormer, side dormer and four rooflights.

The previous application is still relevant apart from any changes identified below in regards to:

- Changes to the surroundings context of the application site or the application site itself
- New planning history
- Changes to planning policy under which the proposal was approved

There have been no significant changes to the application site, surrounding context, planning history or planning policy which would impact on the implementation of this proposal in regards to raising new issues which would justify the need of a fresh planning application. No letters of representation have been received from neighbours and the Parish Council has raised no objection.

Since the previous application was determined the National Planning Policy Framework, March 2012 was adopted replacing most planning policy guidance and statements. Although this makes some alterations to national planning policy and has condensed a lot of previous guidance, the District Plan Policies are currently the overriding policy considerations. The most relevant policy requirements relate to design and the NPPF is generally consistent with the high quality design requirements of the District Plan and therefore this assessment would not change. Therefore, there has not been a significant shift in the relevant policy requirements and the application is still considered to be acceptable.

2. Other Material Considerations

Protected Species: The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework, 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 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.

CONCLUSION:

The proposals comply with the relevant national policies and guidance and policies within 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: 3 Year Standard Time Limit
2. C.13.1: Development in accordance with approved plans/details NH/354/02 REV.A & NH/354/03 REV.A received and dated 1 September 2009.
3. C.5.2: Materials to Match
4. C.7.9: Avoidance of overlooking
5. The proposed rooflights within the south eastern plane of the roof shall have a cill height of no less than 1.7 metres above floor level, and shall be retained in that form thereafter.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against the National Planning Policy Framework, East of England Plan 2008 SS1, ENV7 and T14 and development plan policies SD1, GBSP2, R3, M14, D8, D2, D1 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which 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.....