

**WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>S6/2012/1968/FP</b>
<b>APPLICATION Site:</b>	<b>11 Malvern Close, Hatfield</b>

**NOTATION:**

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

**DESCRIPTION OF SITE:**

The application dwelling is an end of terrace house. The surrounding area accommodates predominantly two-storey terrace and semidetached houses.

**DESCRIPTION OF PROPOSAL:**

Erection of single storey rear extension.

**PLANNING HISTORY:**

None relevant.

**SUMMARY OF POLICIES:**

National Planning Policy Framework, March 2012

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV7: Quality in the Built Environment

T14: Parking

Hertfordshire Structure Plan Review 1991 – 2011:

None.

The 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

**CONSULTATIONS:**

**HATFIELD TOWN COUNCIL COMMENTS:**

None.

**REPRESENTATIONS:**

None, period expired

**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 amenity of the adjoining occupiers
3. Other material planning considerations

1. The proposed extension would be sited to the rear of the property and would not be viewed from the public areas within the streetscene to the front of the site. The proposal would be single storey with a flat roof and appear subordinate in height when viewed with the existing dwelling.

Although the proposal would have a relatively large depth the relatively low height would prevent it from appearing too dominant. Subject to appropriate material being used to match the existing dwelling the proposal would not appear out of place and is an appropriate design for a rear extension.

When viewed from the neighbouring properties the height of the proposal and its flat roof would prevent it from appearing too prominent. The proposed development therefore would not have an adverse impact upon the character and appearance of the locality.

2. The application dwelling is sited a reasonable distance from the adjacent dwelling to the north (no 10). Number 10 is also set back so that its original rear elevations sits on a similar line to the rear of the proposal. Therefore, when viewed from the windows to the rear of number 10 the proposal would have a very shallow depth and not appear too noticeable from this property. The proposal would not appear prominent when viewed from number 10 and would not have an adverse impact upon the residential amenities of the occupiers of this adjacent dwelling.

The proposal would be built up to the boundary with the adjoining dwelling (no 12) with a parapet wall replacing the existing boundary treatment. As existing there is a close boarded fence to a height of approximately 1.8-2m on the shared boundary. The parapet wall would be a fair amount taller than the existing fence and have a

height of roughly 2.9m. However, the proposal would not be overbearing and would the depth is considered to be acceptable for as its roof is flat and relatively low.

The separation from the nearest ground floor window of number 12 and the fact that the is relatively wide would help prevent the proposal from appearing too prominent. Although the proposal would be noticeable, it would not result in a significant impact upon the outlook from the rear of number 12. The proposal would be to the north of number 12 and would not result in any significant overshadowing or loss of light to the main habitable parts of this property.

The proposed development therefore would not have an adverse impact upon the residential amenities of the adjoining occupiers and would comply with the requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

### 3. Other Material Planning Considerations

**Chalk Mining:** As with all developments across Hatfield, the suitability of the development in accordance with the National Planning Policy: Development on Unstable Land needs to be assessed. The site is not within any designated area that has been identified as possibly being at risk of chalk mining. As the development would result in little alteration in terms of weight bearing load upon ground conditions, an informative only is required.

**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 and amended 2012 regulations 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 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details AT418-02 & AT418-03 received and dated 20 September 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, T14 and development plan policies SD1, GBSP2, R3, M14, D1, D2, D8 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).

**INFORMATIVES: INF9**

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