

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2013/0023/FP
APPLICATION Site:	Oak Cottage, 4 Wilkins Green Lane, Hatfield

NOTATION:

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

DESCRIPTION OF SITE:

The application site is situated to the north of Wilkins Green Lane and accommodates a residential care home for the elderly, a detached bungalow and gardens to the front and rear. The area surrounding the application site is characterised by large detached properties on spacious plots. The neighbouring properties vary in design.

The existing main building has previously been extended. The application site is rectangular in shape measuring approximately 80m in depth x 30m in width. The care home and the bungalow share the rear amenity space, a parking area to the front of the site and single access from Wilkins Green Lane.

The bungalow is an annexe to the care home which was granted planning permission in 1990 for use as an annexe (S6/1990/188). The annex building is built to the boundary with the adjacent dwelling to the east (no 3) and there is an adjacent outbuilding within number 3's garden. The remainder of the plots flank boundary shared with number 3 is screened by a hedge to a height of approximately 1.8m. The flank boundary with the adjacent property to the west (no 5) is screened by tall dense hedges and vegetation to the front and rear of the building. Although this boundary was tall at the time of the previous site visit, it currently appears to be partly overgrown and may require some maintenance. The rear garden is mostly laid to lawn with two storage outbuildings to the rear boundary of the plot.

DESCRIPTION OF PROPOSAL:

The proposed development would involve two-storey rear and side extensions. The proposal would have a depth of approximately 4.5m beyond the rear of the existing building at ground floor level and approximately 3m at first floor level. The proposal would have a width of approximately 15.5m to the proposed rear elevation. To the eastern side of the building the extension would be two-storey with 3 gables and a two-storey flat roofed area to the rear. To the western side of the property the extension would be two-storey with 4 gables and a flat roofed two-storey section to the rear.

PLANNING HISTORY:

S6/2009/2047/FP – Erection of rear conservatory and retention of existing outbuilding – Approved 17 December 2009.

S6/2008/1822/FP – Erection of two storey rear extension to create four additional bedrooms – Approved 13/02/2008.

S6/2007/1947/FP – Erection of two storey rear extension to create four additional bedrooms – Approved 13/02/2007.

S6/1990/188 – Erection of single storey extension incorporating a two-bedroom residential annex – Approved 30/10/90.

S6/1987/502 – 2 storey side extension – Approved 25/9/87.

S6/86/436 – Single storey extension to rest home for elderly – Refused 31/7/86.

S6/1985/217 – Dormer extension & fire-escape staircase – Approved 6/6/85.

S6/1984/0735 – Change of use to a rest home for the elderly – Approved 15/02/1985.

SUMMARY OF POLICIES:

National Planning Policy Framework

Circular 03/09: Costs Awards in Appeals and Other Planning Proceedings

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP1: Definition of Green Belt

CLT17: Care in the community

RA11: Watling Chase Community Forest

R3: Energy Efficiency

M14: Parking Standards for New Developments

D1: Quality of Design

D2: Character and Context

D7: Safety by Design

D8: Landscaping

D9: Access and Design for People with Disabilities

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

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

CONSULTATIONS:

Hertfordshire County Council (Transportation Planning and Policy) – No objection subject to a condition to agree the surfacing of the parking area.

HATFIELD TOWN COUNCIL COMMENTS

Comments were raised regarding whether the correct site plan was with the application details.

REPRESENTATIONS:

This application has been advertised and 2 representations have been received, raising the following comments:

- The proposal's large scale would significantly extend the building and overdevelop the site.
- The proposal's side facing windows would result in overlooking of the neighbouring properties and cause a loss of privacy.
- The proposal would not be in keeping with the character of the area and would result in an excessive hardstanding to the front of the property.

Period expired 01 March 2013.

DISCUSSION:

The main issues are:

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

1. The proposal's impact upon the character and appearance of the locality

The proposed development would be mostly sited to the rear of the main building and would be set back from the existing main front elevation. The existing building has been previously extended and has an unusual shape. The proposal would add a large two-storey addition that would not be subordinate in scale and would not reflect the design of the existing dwelling. As a result the side elevations of the building would have a significant depth and two-storey gable elements. The proposal's roof would comprise a combination of different features including gables, hipped areas and flat roofs. The extent of the proposal's complicated and contrived roof indicates that the resultant building would be too large to accommodate an in keeping pitched roof without it being excessively tall. Therefore, the proposal would not directly meet the design requirements of Policy D1 of the Welwyn Hatfield District Plan 2005.

The proposal would significantly increase the depth of the building's main flank wall to the west and add to the bulk and massing of the property considerably. The additional development would mostly be viewed from the adjacent plots but there would also be glimpses of the western side elevation from the front of the property. The proposed development would not respect the character and appearance of the original property and would result in a building which is out of proportion with the surrounding residential dwellings.

When viewed in isolation the proposed development would not respect or complement the existing building. The proposal would not achieve an acceptably

high standard of design and this would be viewed from the surrounding area. When viewed from the neighbouring plots the resultant site would have a detrimental impact upon the character and appearance of the locality. The proposed development would therefore fail to meet the design requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

2. The proposal's impact upon the residential amenity of the adjoining occupiers

The existing building is set back to the rear and the proposal would increase the depth that the rear elevation is set back beyond the rear of the adjacent properties. The neighbouring properties are detached and have a very linear relationship with the original application building. Due to the set back and size of the proposal the outlook from the neighbouring properties would be affected. The proposal's depth and height would appear dominant and too prominent, particularly when viewed from the rear windows and adjacent garden areas of the neighbouring property to the west. The existing building is deeper than the adjacent properties and the additional depth combined with the proposed additional bulk would be excessive.

Although the resultant dwelling would appear overly dominant, due to the orientation with number 5 it would not result in a significant amount of overshadowing to the main habitable rooms of this property. The distance separating number 3 would prevent any significant overshadowing or loss of light to the main habitable areas of this property.

The proposal would result in several side facing first floor windows being sited closer to the side boundaries of the plot. It has been acknowledged that the existing building does have some side facing first floor windows; however, these have a greater separation from the side boundaries of the plot and very limited views of the private areas of neighbouring plots. The proposed western side of the extension would have a distance of approximately 2.2m from the side boundary of the plot. As the proposed windows would serve larger rooms for the residents of a care home, which the occupants are likely to spend more time in, it is necessary that an appropriate outlook is retained to these rooms and obscure glazing would not allow appropriate residential amenity standards for the care rooms. It has been noted that there was a condition to obscure glaze first floor side windows on a previous approval, however, this previous scheme involved an extension to the rear of the buildings and most of the rooms were dual aspect. Therefore only one room would have had obscure glazing to its only window and the rooms were not labelled as forming bedroom or habitable accommodation so it could have been used for a different function.

Number 5 has clear glazed windows within the side elevation facing the application dwelling which are secondary windows to a bedroom at first floor level and a lounge at ground floor level. Furthermore, this property has a clear glazed conservatory to the rear of the property. It has been noted that the current boundary treatment separating the application site and number 5 is tall and dense; however, planting and hedges cannot be solely relied upon as a permanent screen. The existing boundary treatment is not worthy of protection and could be removed any time or suffer from

disease or storm damage. Therefore, the proposed development would result in an unacceptable further overlooking and loss of privacy to the occupiers of number 5.

The proposed first floor windows to the eastern side of the building would have a greater separation from the side boundary of the plot. The application site and adjacent dwelling to the eastern boundary (no 3) both have outbuildings to the rear of the neighbouring property which create a partial screen close to the boundary. Although the proposal would be more noticeable from number 5 and have a greater impact, the development would also impact upon the privacy of the rear garden of number 3. The proposal would also result in perceived overlooking to the main dwelling and impact on the residential amenities of the occupiers.

Although the development which has cumulatively been allowed at the application site has given the building a greater depth than the adjacent properties, the distance which separates the buildings is currently sufficient to ensure the proposal would not result in any further harm. The additional bulk, massing and closer proximity to the side boundaries would appear very large, dominant and out of place within the landscape of the surrounding residential gardens. The resultant application plot would appear overdeveloped and with an excessive amount of built development that would be at odds with the partly rural character and appearance of the locality.

The properties beyond the rear boundary would retain a sufficient separation distance to ensure that the occupants would not suffer any impact of the resultant building's additional depth. The application building and these properties would retain a sufficient back-to-back distance to ensure that the adjoining occupiers would not suffer a loss of privacy.

At the time of the site visit, the operation of the care home did not generate any significant noise or disturbance. Although the proposal would create accommodation for additional occupants, this would not significantly intensify the use of the site. The resultant capacity of the site would not result in a result in any further noise and disturbance to the neighbouring occupiers.

3. Other Material Planning Considerations

Parking Provision: The application site currently has 10 off road parking spaces including two disabled spaces. At the time of the site visit some of these appeared to be occupied by staff and a mini bus which is associate with the care home. The parking standards of the Welwyn Hatfield District Plan 2005 require 0.25 spaces per resident bed space and the staff spaces are to be individually assessed. The proposal would involve the creation of 8 additional rooms and the design and access statement notes that the frontage would be rearranged to create 16 off road spaces. Although it has not been illustrated that the frontage is large enough to create 16 spaces, when considering that the amount of staff is not going to change and the increase in residents equates to the need of 2 additional spaces, the existing parking provision is considered to be acceptable. Furthermore, the surrounding roads are not particularly busy and the proposed development would not result in an adverse impact upon the adjacent highway network. The proposed development would therefore meet the requirements of Policy M14 of the Welwyn Hatfield District Plan 2005.

Watling Chase Community Forest: The proposed development would not require the removal of any mature trees or vegetation that is considered to be worthy of retention. The proposal would not have an adverse impact upon the Watling Chase Community Forest. If approved it would be reasonable to condition a landscaping scheme which would have to include an appropriate amount of additional planting.

Sustainability and Energy Efficiency: The application has included a sustainability checklist, which indicates that proposal would be insulated to meet or exceed building regulations, recycled materials would be used where possible and water efficient fixture and appliances would be used where possible. Considering the proposal would comprise an extension to an existing these provisions are considered to be a reasonable effort to meet the requirements of Policy R3 of the Welwyn Hatfield District Plan 2005. The checklist also indicates that the proposal has been designed to accommodate elderly people and would be assessable by those with restricted mobility.

Design and Access Statement: The application has been submitted with a supporting statement which notes that care homes have to meet a new legislation requirement of providing rooms that are at least 12.5m², with an ensuite of 3.5m², therefore a total of 16m². Although it may be necessary for the care home to change, there may not be sufficient space to create the larger accommodation and increase or keep the same number of rooms. It appears that although the resultant building is unlikely to be subordinate in scale, there may be some potential to enlarge the building in a more modest way. However, the proposed enlargement of all of the care rooms does not appear to be feasible without an unacceptable impact upon the adjoining occupiers.

Although the proposal is not within an accessible location, the proposed development would not result in a significant intensification of the site's use. The proposal therefore would not conflict with the Policy CLT17 of the Welwyn Hatfield District Plan 2005 in this respect.

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, 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.

CONCLUSION: The proposed development would involve significant additions to the existing building which are not subordinate in scale and would not respect the character and appearance of the original property. As a result the building would appear far larger than the neighbouring properties and too dominant to the rear. The proposed development would therefore have an unacceptable impact upon the character and appearance of the locality. The resultant building would result in an unacceptable degree of overlooking to the neighbouring properties and their rear garden spaces, which would have an unacceptable impact upon the residential amenities of the adjoining occupiers. The application would therefore fail to comply with the design requirement of Policies D1, D2 and CLT17 of the Welwyn Hatfield District Plan 2005.

RECOMMENDATION: REFUSAL AND REASON

1. The proposed development by reason of its height, depth, bulk and design would appear overly dominant and obtrusive when viewed from the neighbouring properties and land. The proposal would not be subordinate in scale and would fail to reflect or complement the design and character of the existing building. The resultant building would appear too prominent and out of place which would affect the visual amenities and character of the area. The proposal therefore would fail to meet the design requirements of Policies D1, D2 and CLT17 of the Welwyn Hatfield District Plan 2005.
2. The proposed development by reason of the proximity to the flank boundaries of the plot and first floor window positions would result in direct and perceived overlooking of the neighbouring properties and adjacent private garden spaces, which would result in a loss of privacy and residential amenity to the adjoining occupiers. The proposal therefore fails to comply with Policies D1 and CLT17 of the Welwyn Hatfield District Plan 2005.

SUMMARY OF REASONS FOR REFUSAL

The proposal has been considered against the National Planning Policy Framework and Development Plan policies SD1, GBSP1, CLT17, RA11, R3, M14, D1, D2, D7, D8, D9 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 refused for the reason(s) set out above. The decision has been made taking into account material planning considerations and where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework (see Officer's report which can be inspected at these offices).

REFUSED DRAWING NUMBERS:

Site Location Plan 1:1250 & Site Plan 1:500 & EL/2012/05 & EL/2012/06 & EL/2012/07 & EL/2012/08 & EL/2012/10 received and dated 01 February 2013.

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