

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 5 DECEMBER 2013
REPORT OF THE DIRECTOR (STRATEGY AND DEVELOPMENT)

S6/2013/1469/FP

OAK COTTAGE CARE LTD, 2 WILKINS GREEN LANE, HATFIELD, AL10 9RW

ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSION AND TWO STOREY REAR AND SIDE EXTENSIONS

APPLICANT: Mr Frank Theanne

(Hatfield West)

1 **Site Description**

- 1.1 The application site is situated to the north of Wilkins Green Lane and accommodates a residential care home for the elderly, an attached manager's annex 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.
- 1.2 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 manager's annex share the rear amenity space and parking area located to the front of the site with single access from Wilkins Green Lane.
- 1.3 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 application plot's flank boundary shared with No. 3 is screened by a hedge to a height of approximately 1.8m. Part of the flank boundary with the adjacent property to the west (No. 5) is also screened by a hedge and this is a continuous tall dense line of conifers.
- 1.4 The rear garden of the application site is mostly laid to lawn with two outbuildings to the rear boundary of the garden.

2 **The Proposal**

- 2.1 The proposed development would involve a mixture of two-storey and single storey rear and side extensions. On the west side of the existing building, and opposite the common boundary with No.5, the extensions would be single storey with a pitched roof and flat roof area behind and would provide larger residential rooms and a lounge. To the east side of the existing building the proposed extensions would be two storey and also increase the size of existing resident's rooms. To the rear of the building the extensions would be both single storey and two storey and provide similar accommodation and a new stairwell. The proposal would have a depth of approximately 6.0m beyond the rear of the existing building at ground floor level and reduces to approximately 3m at first floor level. The proposal would have a resultant width of approximately 15.3m with regard to the rear elevation.
- 2.2 To the eastern side of the existing building, and adjacent to the manager's annex, the proposed extension would be two-storey with 3 gables ends to the new side roof and a two-storey flat roofed area on the northeast rear corner. To the western side of the property the extension would be single storey with a flat roof which wraps around to the proposed north elevation.

3 **Planning History**

- 3.1 S6/2013/0023/FP - Erection of two storey side and rear extension – refused 28/03/2013 for the following reasons:

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.*

- 3.2 S6/2009/2047/FP – Erection of rear conservatory and retention of existing outbuilding – Approved 17 December 2009.
- 3.3 S6/2008/1822/FP – Erection of two storey rear extension to create four additional bedrooms – Approved 13/02/2008.
- 3.4 S6/2007/1947/FP – Erection of two storey rear extension to create four additional bedrooms – Approved 13/02/2007.
- 3.5 S6/1990/188 – Erection of single storey extension incorporating a two-bedroom residential annex – Approved 30/10/90.
- 3.6 S6/1987/502 – 2 storey side extension – Approved 25/9/87.
- 3.7 S6/86/436 – Single storey extension to rest home for elderly – Refused 31/7/86.
- 3.8 S6/1985/217 – Dormer extension & fire-escape staircase – Approved 6/6/85.
- 3.9 S6/1984/0735 – Change of use to a rest home for the elderly – Approved 15/02/1985.

4 Planning Policy

- 4.1 National Planning Policy Framework
- 4.2 Circular 03/09: Costs Awards in Appeals and Other Planning Proceedings
- 4.3 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
- 4.4 Supplementary Design Guidance, February 2005

4.5 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 site notice and neighbour notifications. Three objections have been received from residents in Wilkins Green Lane and Bramble Road in addition to the Welwyn Hatfield Access Group. These are summarised below:

- This for a significantly larger extension than that previously approved and so would overdevelop the site.
- The proposal's side facing windows would result in overlooking of the neighbouring properties and cause a loss of privacy.
- Increasing the size of the car park would be out of character.
- Additional traffic generated by the development would cause highway safety concerns in Wilkins Green Lane.

6.2 Welwyn Hatfield Access Group has detailed concerns over the access including steps to thresholds to allow wheelchair access. Questions are raised about compliance with Building Control Regulations for ramp access and toilets for wheelchair users and if the lift meets evacuation standards.

7 Consultations Received

7.1 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** – No objection subject to a condition to agree the surfacing of the new parking area.

7.2 **Welwyn Hatfield (Landscaping)** – The following comments were received for this application. Arboriculturally: the application [has been considered] specifically in relation to the hedge which runs along the eastern boundary of 5 Wilkins Green Lane, Hatfield.

The conifer hedge runs from the road to the rear gardens, approximately 44m long. The portion of the hedge which is directly between the two houses appears to be neatly topped to an estimated 4m and sided up to create a dense screen. The portion of the hedgerow to the front of the houses, the boundary for the front gardens, is more informal with untopped or lapsed topped trees which are less dense but taller, varying in height to approximately 9m.

For the purposes of this planning application only the portion of the hedge between the two buildings, number 4 and 5 Wilkins Green Lane [has been considered]. The distance between the hedge and the western wall of building 4 is 4.1m and 6m. Small windows of habitable rooms are spaced along these walls. By considering the distance between the hedgerow and closest window (4.1m), the depth of the garden to the hedge (4.1m) and the hedges position due west, the hedgerow would, with the existing layout be subject to the high hedge recommendations under Part 8 of the Anti-social Behaviour Act 2003. Should a case be brought with the existing layout and hedge dimensions a remedial notice would be served on the hedge owner to reduce the height to 2m. As this would be a reduction in height by 50%, dispensation would be given to undertaken this over two years, to reduce the affect of the works on the health of the plants.

The proposed layout also has two windows and two glazed doors along this wall of the building. The distance between hedge and windows would be reduced to approximately 2.5m. Although this distance is much reduced, it would not affect the desirable height of the hedge under the Act's guidelines, as 2m is considered

to be a 'minimal' height for the purposes of high hedges. [It is noted] though that the effect of the hedge on the rooms would increase.

Summary: The hedge which stands to the west of the Care Home is currently sufficiently tall to be actionable under the 'high hedge regulations' with the existing layout irrespective of the proposed layout.

8 **Discussion**

8.1 This application is presented to the Development Management Committee as a result of a call in by Councillor Sarson for the following reasons:

- *“By increasing the size of the residential home it will give an extra 6 bedroom with en suit and allow most of the other bedrooms to have en suits thus raising the calibre of care for the residents.*
- *It will also allow for an extra day room. The extension will allow Oak Cottage to have more residents as the demand is growing and they have a waiting list.”*

8.2 The main issues to be considered are:

- 1. The quality of design and impact on the character and appearance of the area**
- 2. The impact on the residential amenity of nearby and neighbouring properties**
- 3. Highway safety and capacity**
- 4. Other material planning considerations**

1. The quality of design and impact on the character and appearance of the area

8.3 The proposed development would be sited to the rear of the main building and so would be set back from the front elevation. As such there will be no changes to the existing front elevation and so there would be no material impact on the character of the streetscene. The original design drawings included changes to the existing parking area to the front but this is now to remain unchanged from its present layout.

8.4 The changes to the rear and side of the existing building are however much more significant. The original building has been previously extended, with a single storey annex on the side and two storey extensions to the rear. These existing extensions have considerably increased the size of the original building. These previous extensions, whilst giving an irregular shape to the building have used external materials which are in character and sympathetic with the original building and the surrounding area. This has assisted in harmonizing the current building into the existing wider environs.

8.5 This proposal would substantially increase the size of the footprint of the existing building. The proposed single storey side extension as part of this increase would result in the resultant building being also significantly closer to the existing common side boundary with No.5, and in addition, would also reduce the current outside space adjoining the manager's annex building. The proposals would also extend the existing building deeper into the rear garden area.

8.6 In terms of design, the existing character of the host building is predominately pitched roofs with small gable end roof details over some of the windows. The proposed design would reflect these existing features, and whilst there are some areas of flat roofs, these do not detract from the overall resultant appearance. The proposed design, if taken in isolation of its wider context, would therefore be in keeping with the character of the host building subject to a planning condition requiring the use of matching materials.

8.7 These design improvements would overcome some of the issues raised in the last planning application (S6/2013/0023/FP) where one of the reasons permission was withheld was due to the proposal not reflecting or complimenting the character of the existing building.

8.8 Local Plan Policy D2 (Character and Context) also requires new development to respect and relate to the character and context of the area. This planning policy requires proposals as a minimum should maintain, and where possible, enhance or improve the character of the area.

8.9 This part of Wilkins Green Lane is characterised by detached dwellings built to varying designs within large plots, with deep front gardens. The application property resides in the middle of this group in Wilkins Green Lane and has approximately the same set back from the highway as its adjoining neighbours. The

scale of the existing building is, however, already substantially greater than its adjoining neighbours due to the existing two storey rear extensions and also the single storey annex.

- 8.10 The proposed extensions would substantially increase further the scale of existing building and as such would create a development which would be markedly different in scale to that of the established character of the other dwellings in Wilkins Green Lane which are much more modest in scale by comparison. Such a change would result in the new building appearing out of keeping with the wider pattern of development that has been established by these other dwellings in Wilkins Green Lane.
- 8.11 These concerns over the increase in scale of the development are further reinforced by the potential visual impact when viewed from neighbouring sites. Whilst it is acknowledged that the visual impact on the streetscene would be very limited, with views only limited to glimpses of the western side elevation. Views towards the application site from the adjoining dwellings at No.3 & 5 Wilkins Green Lane are however much more of a concern.
- 8.12 In respect to No.5, this property is currently screened in part from the existing rear extensions by a tall dense conifer hedge with views mainly limited to the existing roofs. The proposed single storey side extensions on this side would therefore be hidden behind this existing boundary hedge. Without this boundary hedge however, there would be clear views of the existing building and also the new extensions. The retention of this existing boundary hedge therefore already plays an important role in protecting this neighbour from the visual presence of the existing building. This hedge, which appears to be in the ownership of No.5 therefore serves an important purpose in terms of visual amenity and so the retention of this is an important consideration. Any additional threat to this existing hedge through new development will therefore be a key issue. It is noted by the Council's arborist that there is already a potential threat to this existing hedge as it could be actionable under the 'high hedge regulations'.
- 8.13 The current proposal, which comprises of single storey accommodation towards the common boundary with No.5 (the previous application S6/2013/0023/FP had included first floor accommodation), would mean that the 6 new ground floor resident's rooms would look out on this common boundary with No.5 and existing tall hedge with a separation gap of around only 2.5m. In design terms this would result in a very poor aspect and outlook for future residents.
- 8.14 Whilst the current outlook of the existing rooms on this side of the building is still not ideal, there is at least a significantly greater separation space which also ensures better natural daylight/sunlight levels to the existing resident's rooms. As such the proposed design results in an unacceptable outlook for the proposed 6 ground floor residents rooms due to the close proximity of this tall dense conifer hedge and close proximity to the neighbouring property. This natural lighting could be improved by the complete removal of this existing boundary hedge, and there may be pressure for such tree work to be undertaken in the future. This removal of the hedge would however then allow clear views into No.5 from the resident's rooms and so allow an inappropriate outlook. It would also expose the application building to be seen from further afield to an extent which would visually harm the character of the area.
- 8.15 The proposed extensions on the other side of the building, which would also include first floor accommodation, are a concern in terms of the resultant impact on the character of the area. Whilst these extensions would be screened in part by the existing ground floor annex, views are possible above this accommodation. The scale of the resultant building would also be seen from the east and from No.3's rear garden.
- 8.16 These factors add further weight to the conclusion that the scale of the development would be too large for this site and to ensure that the character of the area is at least maintained. Although there would still be a large rear garden area remaining for residents, the constraints of the site, particularly in terms of its width would result in the new development being visually out of scale with the character of the area. Furthermore, the new outlook for residents would be unacceptable due to the close proximity of the rooms to the existing common boundary with No.5. The unsatisfactory relationship that would result from these extensions with its immediate neighbours adds weight to the view that the proposal would represent an overdevelopment of the site.
- 8.17 In summary, the external resultant design appearance of the proposed development is a significant improvement over the last application (S6/2013/0023/FP) and overcomes this part of the reason for refusal for the last application. Notwithstanding this, the overall resultant scale of the development is still an issue due to the constraints of the site. This is because the existing wider pattern of development and the site width would result in the proposal being seen as an overdevelopment of the site. This issue is demonstrated also from the concerns over the unsatisfactory outlook for ground floor rooms for residents that would

result and along with the visual harm to the wider area of an overly prominent building. There is also further potential for this harm to increase if the existing screening from hedges is lost.

- 8.18 It is noted that application S6/2008/1822/FP granted a rear two storey extension which has not been implemented and has subsequently expired. This previous approval however is much smaller in scale and is limited to increasing the depth of the building and not its width and so does not have any bearing on the concerns raised above.
- 8.19 The proposal therefore would fail to comply with the design requirements of Local Plan Policy D1, D2 & CLT17 and the Supplementary Design Guidance for the reasons given above.

2. The impact on the residential amenity of nearby and neighbouring properties

- 8.20 The adjoining neighbours at Nos.3 & 5 Wilkins Green Lane are the most likely to be impacted by this proposal. In the previous application there were concerns that the proposal would appear too prominent when viewed from No.5. In this proposal the extensions are now limited to ground floor accommodation. If the existing boundary hedge with No.5 is retained, the new ground floor side extension would be sufficiently screened to overcome this impact. Significant reliance, however, is again made on the retention of this existing boundary hedge to overcome this harm, and if this hedge was removed for some reason, then there would be an issue over the likely visual prominence of the proposed ground floor extensions when viewed from No.5.
- 8.21 The visual impact on No.3 from the proposed two storey side extensions would also be an issue in this application, as the scale of these extensions would appear overly prominent when viewed from this neighbour's rear garden, even with the greater resultant separation distance on this side of the application building.
- 8.22 In terms of loss of light from the proposed extensions, this was not raised as a concern in the last application, as no overshadowing to the main habitable rooms of these adjoining properties would result. This still remains the same in this application.
- 8.23 Finally, in terms of overlooking and privacy, it was noted in the last application (S6/2013/0023/FP) that the proposal would result in several side facing first floor windows being sited closer to the side boundaries of the plot. It was also acknowledged at that time the existing building did have some side facing first floor windows, however, it was noted that these had a greater separation from the side boundaries of the plot and very limited views of the private areas of neighbouring plots.
- 8.24 With regard to No.5 the current proposal has removed the first floor side accommodation, and so only ground floor rooms are proposed. As with the last application it remains the case that the proposed windows would serve larger rooms for the residents of a care home, which the occupants are likely to spend more time in. As such it is necessary that an appropriate outlook is achieved to these rooms. Obscure glazing would not allow appropriate residential amenity standards for the care home rooms.
- 8.25 In the last application report it was noted that No.5 has clear glazed windows within the side elevation facing the application dwelling which were secondary windows to a bedroom at first floor level and a lounge at ground floor level. In addition this neighbour also has a clear glazed conservatory to the rear of the property.
- 8.26 It has already been stated that the current boundary treatment separating the application site and No. 5 is tall and dense. But as with the last planning application report for this site, it is reasonable to conclude that planting and hedges cannot be solely relied upon as a permanent screen. The existing boundary treatment is not worthy of formal protection (which would be through a Tree Preservation Order) and may also be subject to an application for removal in the future (as noted by the Council's arborist) or suffer from disease or storm damage.
- 8.27 Whilst the degree of potential overlooking from the proposed ground floor windows towards No.5 would be more limited in this proposal as the first floor accommodation on this side of the building remains unchanged, concerns over the long term retention of the boundary hedge are still valid. As such the proposed development would again result in an unacceptable further potential overlooking and loss of privacy to the occupiers of No.5.
- 8.28 The proposed first floor windows to the eastern side of the building would however have a greater separation from the side boundary of the plot and so the potential for overlooking is reduced for the adjoining neighbour at No.3. In addition to this greater separation distance, the application site and adjacent

neighbour (No. 3) both have outbuildings to the rear which reduce further the potential for overlooking. Whilst the development would still impact upon the privacy of the rear garden of No. 3, direct overlooking would be mainly limited to the first floor resident's room at the most northern end of the extension.

- 8.29 The overlooking could for this particular resident's room, however, be overcome by removing this east facing window as there would still be a further window on the rear elevation. Even so the proposal would still result in some degree of perceived overlooking to the main dwelling of No.3 from the other proposed first floor side windows.
- 8.30 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 of over 60 metres to ensure that the adjoining occupiers would not suffer a loss of privacy.
- 8.31 In terms of noise nuisance, the proposed increase in accommodation is unlikely to generate any significant noise or disturbance than that which already exists. Although the proposal would create accommodation for additional occupants, this would not significantly intensify the use of the site. The additional capacity of the site would therefore unlikely to result in any material further noise and disturbance to the neighbouring occupiers than which already exists.
- 8.32 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 and current boundary treatment which separates the existing buildings is currently sufficient to ensure the proposal would not result in any significant harm to the residential amenity of adjoining residents. The new proposals however would reduce this distance to an extent which would risk the long term retention of the existing boundary hedge with No.5 and result in the potential for direct and perceived overlooking which would harm the residential amenity of Nos. 3 & 5.
- 8.33 The proposal would also have a visual impact on the adjoining properties and whilst this would not result in any undue loss of sunlight/daylight, it would add further weight to the harm already identified to the character of the area from the new development appearing overly prominent.
- 8.34 The proposal would therefore fail to comply with the requirements of Local Plan Policy D1 and CLT17 and the Supplementary Design Guidance due to the likely loss of privacy to adjoining neighbours which would be harmful to their residential amenity.

5. Other Material Considerations

Parking Provision:

- 8.35 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 on 1 space per 2 full time staff. There is no proposal to increase the existing parking area which can however probably already accommodate around 16 off road parking spaces.
- 8.36 The existing 20 bedrooms and 13 full time staff requires $4+6.5=10.5$ parking spaces under the current parking new build requirements. So there is a surplus of approximately 5.5 parking spaces if this comparison is made.
- 8.37 The proposal would involve the creation of 6 additional bed spaces and so 1.5 additional parking spaces are required for this. In addition four more full time staff will require a further 2 parking spaces. This gives a total need of a maximum of 3.5 additional parking spaces. The current over provision of 5.5 existing parking provision is therefore considered to be acceptable in absorbing this additional requirement.
- 8.38 No concerns have been raised by the Local Highway Authority over the proposal and so there is no evidence that the proposed development would have an adverse impact upon the adjacent highway network. A planning condition for the agreement of the layout of new parking is requested by the Highway authority, however, as this parking is already in existence such a condition is not applicable although the retention of this area for solely parking would be reasonable. The proposed development would therefore meet the requirements of Policy M14 of the Welwyn Hatfield District Plan 2005.

Watling Chase Community Forest:

- 8.39 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 therefore have an adverse impact upon the Watling Chase Community Forest and so it would be unreasonable to require a condition for additional planting.

Sustainability and Energy Efficiency:

- 8.40 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 Policies SD1 & 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 accessible by those with restricted mobility.

Design and Access Statement:

- 8.41 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 en-suite 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 whilst increasing or keeping the same number of rooms.
- 8.42 Whilst there may be some potential to enlarge the building in a more modest way the proposed enlargement from the analysis above demonstrates this would not be feasible without an unacceptable impact upon the adjoining occupiers and the character of the area.
- 8.43 In respect to the comments raised by Welwyn Hatfield Access Group, these detailed requirements that are listed are unlikely to conflict with the overall planning layout concept and so can be included at the detailed Building Control stage of the development.

Protected Species

- 8.44 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
- 8.45 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).
- 8.46 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) and as amended through The Conservation of Habitats and Species (Amendment) Regulations 2012. Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(1) of the Amended Conservation Regulations 2012, which states

“a competent authority must exercise their functions which are relevant to nature conservation, including marine conservation, so as to secure compliance with the requirements of the Directives.”

- 8.47 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 a 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)

8.48 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

8.49 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.

8.50 A LPA failing to do so would be in breach of Regulation 9(1) of the Amended Conservation Regulations 2012 which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions

8.51 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 or (Amendment) Regulations 2012 further.

9 Conclusion

9.1 The proposed development is an improvement over the last planning application (S6/2013/0023/FP) in regards to the quality of the design with regards to the result appearance of the building and so overcomes this part of the previous reason for refusal.

9.2 Notwithstanding this, and that the scale of the extensions have also been reduced in this application, particularly by the removal of the first floor accommodation on the west side of the existing building, there are still principle concerns over the impact the proposal would have on the character and context of the area by virtue of the size of the extensions. This harm would result in the building appearing far larger than the neighbouring properties and too prominent when viewed from the adjoining property of No. 3 Wilkins Green Lane. There are also concerns that the lack of certainty over the future retention of the boundary hedge with No.5 would also raise similar concerns by exposing the new development to this neighbouring site.

9.3 The additional bulk, massing and closer proximity to the side boundaries of the resultant building would appear out of place within the landscape of the surrounding residential gardens and raise issues over the light and outlook for the new rooms on the west side. As a result the application plot would appear

overdeveloped with an excessive amount of built development that would be at odds with the partly rural character and smaller scale residential appearance of the locality.

- 9.4 Furthermore, the resultant building would potentially 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.
- 9.5 The application would therefore fail to comply with the design requirement of Policies D1, D2 and CLT17 of the Welwyn Hatfield District Plan 2005.

10 Recommendation

10.1 It is recommended that planning permission be refused for the following reason(s):

1. The proposed development by reason of its scale, height, depth, bulk and design would be out of character with the surrounding area as it would appear overly prominent and out of place when viewed from adjoining properties. Furthermore the size of the extensions would result in an overdevelopment of the site which would conflict with the wider pattern of development which comprises smaller scale residential properties in Wilkins Green Lane. 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 new 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.

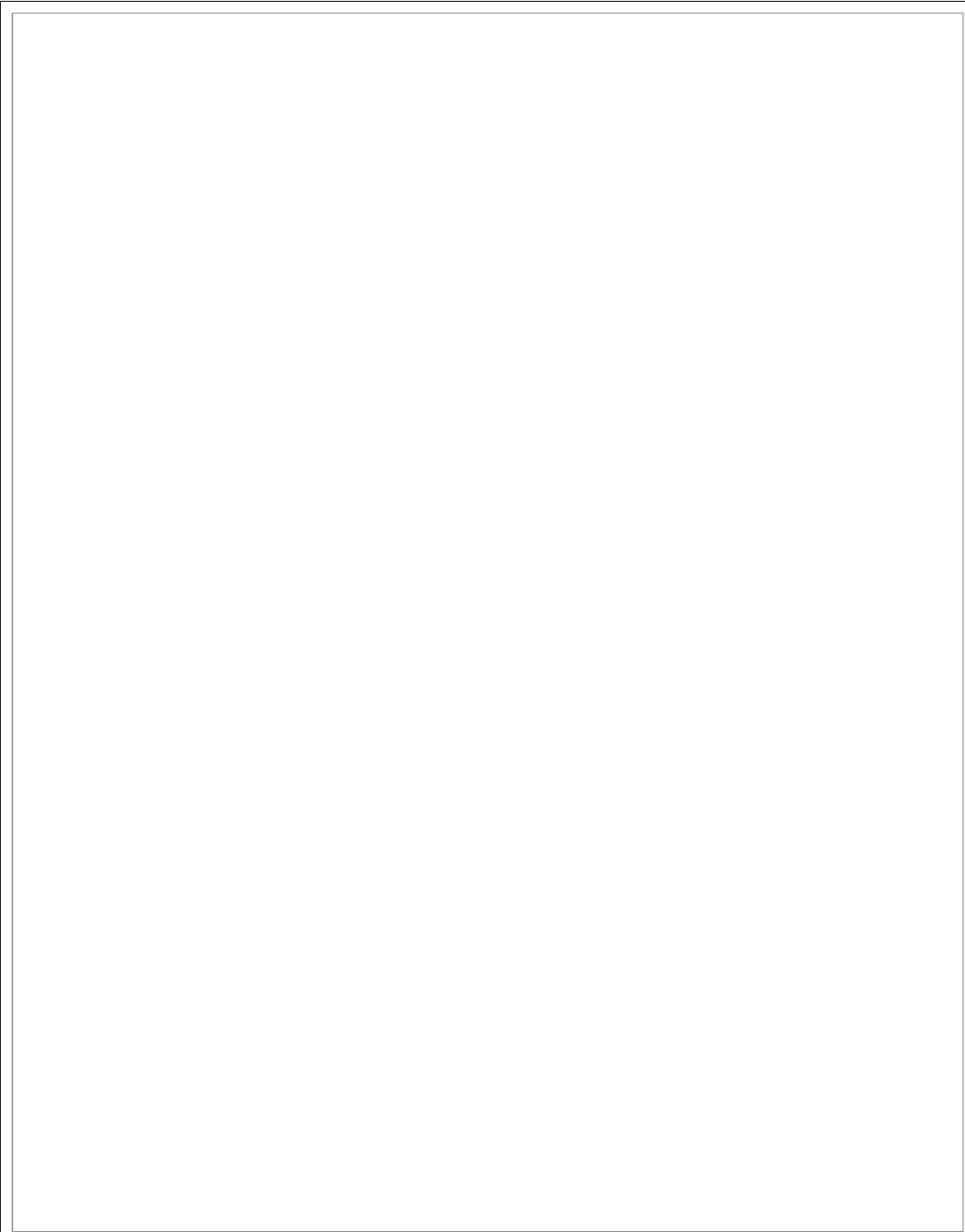
10.2 NOTE:-


The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

Refused Drawings Nos:

1:1250 Site Location Plan received and dated 1 August 2013 & OC 102-10 & EL/2012/07 Rev E & EL2012/08 Rev E & /2012/10 Rev E & EL/2012/05 Rev E received and dated 25 September 2013

Peter Jefcoate (Strategy and Development)
Date 5 November 2013



 Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title: Oak Cottage, 4 Wilkins Green Lane, Hatfield		Scale: DNS
	Project: DMC Meeting		Date: 5 December 2013
		Drawing Number: S6/2013/1469/FP	Drawn: Andrew Windscheffel
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