

**WELWYN HATFIELD BOROUGH COUNCIL – ESTATE MANAGEMENT SCHEME**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>W6/2013/1629/EM</b>
<b>APPLICATION Site:</b>	<b>24 Rooks Hill, Welwyn Garden City</b>

**NOTATION:**

The site lies within the Estate Management Scheme area under the Leasehold Reform Act 1967

**DESCRIPTION OF SITE AND PROPOSAL:**

The application site is a two storey semi-detached dwelling, finished in multi-red brick. The area is characterised by the open spaces between properties, which are also set back from road and are consistent in architectural style.

The property has a garage to the side, with front and rear associated gardens.

The application seeks estate management consent for the erection of a single storey side and rear extension.

**EMS HISTORY:**

W6/2005/0209/EM – Loft conversion and 2 rear rooflights. Granted 7 April 2005

W6/2007/1397/EM – Erection of single storey rear extension, relocation of garden wall, replacement of kitchen door with window and garage window with door. Granted 14 December 2007

**POLICIES:**

Estate Management Scheme (EMS) Policies (October 2008):

EM1 – Extensions and Alterations

**CONSULTATIONS:** None

**TOWN/PARISH COUNCIL COMMENTS:** None

**REPRESENTATIONS:**

This application has been advertised and no representations have been received. Period expired 6 September 2013

## **DISCUSSION:**

The main issue is:

- 1. Whether the proposal maintains and enhances the amenities and values of Welwyn Garden City and neighbouring occupiers**
- 2. Protected Species**

Policy EM1 of the Estate Management Scheme is relevant and concerns extensions and alterations. It seeks to preserve the unique architectural heritage of the town and its buildings and only allows extensions and alterations if they are in keeping with the design, appearance, materials and architectural detailing used in the existing building and does not have a detrimental impact on the amenities and values of the surrounding area or the residential amenity of adjoining occupiers.

The proposal would be a considerable increase in footprint compared to the existing dwelling, extending both depth and width. However, the proposal would remain at ground floor level only and would feature a flat roof, which would help to limit the overall bulk. Furthermore, the side extension would be set back from the principal elevation. Therefore, it is considered that the extension would be appropriately subordinate in scale to the original dwelling.

Whilst the extension would be seen from Rooks Hill, the full scale of the extensions would not be appreciated, with the main focus on the side extension. Additionally, given its scale and location, it would not be unduly prominent or out of keeping with development within the area. A characteristic feature of the area is the spacing between properties. However, a reasonable degree of separation would be maintained from the site boundary and the proposal would not result in an overly cramped form of development.

With regards to the more detailed aspects of design, the development proposes matching brickwork. The fenestration and door design on the principal elevation would be consistent with the existing dwelling and surrounding area. Whilst the fenestration and doors on the rear and side elevation would not be reflective of the existing dwelling, given their publicly concealed location, it is considered acceptable in this circumstance. Notwithstanding this, it is considered reasonable to attach a condition requiring materials to be approved by the local planning authority.

It is considered that the proposal, by virtue of its siting, scale and detailed design, maintains and enhances the amenities and values of the Garden City.

In relation to the impact on the residential amenity of adjoining occupiers the impact of the proposed development on the residential amenity of neighbouring dwellings is measured in terms of the impact on neighbouring properties access to day/sun/sky light, overshadowing, loss of privacy/overlooking and impact on outlook.

The development would be located up to the boundary of neighbouring dwelling 22 Rooks Hill. However, this dwelling features an existing single storey rear extension and given the scale of the proposal it is not considered that any excessive amenity impacts to this neighbour would result.

A number of properties to the east of the dwelling feature rear gardens that face on to the development. However, given the scale of the proposal, and given its distance from these dwellings, it is not considered that excessive impacts on access to day/sun/sky light, overshadowing and outlook would result. The application dwelling features existing windows at first floor level on both the side and rear of the property. Therefore the proposed windows at ground floor level would be unlikely to result in excessive loss of privacy.

Giving the design of the proposal it is considered that the proposal would not be detrimental to the residential amenity of adjoining occupiers sufficient enough to warrant refusal.

## **2. Protected Species**

The presence of protected species is a material consideration, in accordance with NPPF, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

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: "*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.*" The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals, however 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 development would increase the mass and bulk of the property, but would not result in a discernible presence in the street scene and would appear subordinate to the main dwelling. Therefore, no objections are raised with regard to its mass and bulk. In addition, its general design and appearance are considered acceptable. Turning to neighbour amenity the proposed development would retain a reasonable relationship with the adjoining properties. It is considered that the proposal maintains and enhances the amenities and values of the Garden City and is therefore in compliance with the Estate Management Scheme.

### **RECOMMENDATION: APPROVAL WITH CONDITIONS**

EM01.a – 1. This consent shall expire three years after the date hereof (or such other extended date as the Council may agree) unless the works hereby approved shall be completed before that date.

2. All works carried out in pursuance of this consent shall be and remain part of the Premises and shall be subject to the terms and conditions of the conveyance in all respects as if such works had at all times formed part of the Premises.

3. This consent or copy hereof shall be annexed to the Conveyance.

4. There shall be no encroachment over the boundary of the plot either above or below ground level, nor any interference with the foundations of the adjoining property without the agreement of the adjoining owner or lessee.

5. This consent now issued is given by the council only in accordance with the requirements of the Management Scheme/Conveyance or Leasehold Covenants.

REASON: To comply with the requirements of the Estate Management Scheme

6. The development/works shall not be started and completed other than in accordance with the approved plans and details: 2932-OS1 & 2932-OS2 & 2932-P01 Rev D received and dated 2 August 2013 unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the local planning authority.

7. Prior to the commencement of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the council. The development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the council.

REASON: To protect the character and appearance of the original building and the amenities of the area in accordance with the requirements of the Leasehold Reform Act 1967 Estate Management Scheme for Welwyn Garden City and Policies EM1

**SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:**

It is considered that the proposed development does not have an unacceptably harmful impact on the residential amenity or the character of the area in which it is located. It is therefore in compliance with the Estate Management Scheme.

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