

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 8 OCTOBER 2015
REPORT OF THE DIRECTOR (GOVERNANCE)

S6/2015/1135/FP

LAND REAR OF 315 ST. ALBANS ROAD WEST, HATFIELD, AL10 9RJ

ERECTION OF TWO DETACHED DWELLINGS (REVISED SCHEME TO
S6/2014/1456/FP)

APPLICANT: Mr. & Mrs. D Guddemi

(Hatfield West)

1 Background

- 1.1 Members may recall a very similar proposal to this submission being presented to the Development Management Committee (DMC) in August 2014 under Planning Reference S6/2014/1456/FP (See Appendices for officer report). At that Committee, Members refused the application against officer recommendation on grounds of the detrimental impact on residential amenity by virtue of extension of the private road to the front of existing properties and the further loss from use by delivery and commercial vehicles.
- 1.2 A subsequent appeal (Appeal Ref: APP/C1950/A/14/2229259) was lodged by the applicant. The decision to allow the appeal was made on 23 March 2015 (See Appendices of Inspector's decision).
- 1.3 Members will also note from the planning history that an earlier application was approved under planning reference S6/2013/0398/FP for the 'Erection of two detached dwellings with new vehicular access following the demolition of an existing garage' on 18 April 2013.
- 1.4 In his decision to allow the recent appeal the Inspector, amongst other things, commented as follows...

"The marginal increase in traffic from any delivery or commercial vehicles accessing the new houses would similarly not lead to any material disturbance to existing properties. I further note that the proposals put forward in this appeal would mean that the access road no longer would run the full length of the retained gardens to Nos. 313 and 315 St Alban's Road West, as shown in the extant permission. In my view such an arrangement would lead to a greater impact on residential amenity by introducing a new access road adjoining garden areas which are not currently disturbed by an adjacent drive. The appeal scheme therefore represents an improvement to the scheme and adds weight in favour of the current proposals.....The occasional use of land on Ashbury Close for bin storage and/or collection from the proposed houses would be of very

limited intrusion upon the outlook for existing residents. There would not be a harmful effect on amenities arising from such activity. On the main issue it is therefore concluded that the proposed development would not be harmful to the living conditions of adjoining occupants by virtue of noise and disturbance.....The Highways Authority raise no objection to the proposed development on the grounds of highway safety or parking provision. Based on my observations at the site visit and evidence submitted on this matter I see no reason to come to a different conclusion that the proposals would have an acceptable impact upon highway safety.....The design of the proposed dwellings is the same as that permitted in the extant scheme, and I concur that the scale, layout and form of the buildings would be suitable for the area”.

- 1.5 Having regard to the recent decision by the Planning Inspectorate only issues of parking and residential amenity, triggered by the introduction of integral garages for each plot and a dormer window/roof light to each of the plots, can be considered and ultimately determined in this revised proposal.

2 Site Description

- 2.1 The application site comprises part of the rear garden to the applicant’s property at No.315 St. Albans Road West with access being provided from the north east from Ashbury Close. No.315 is a detached two storey dwelling which currently occupies a site plot of approximately 30m x 90m.

3 The Proposal

- 3.1 The application seeks full planning permission for the erection of two 5 bedroom detached dwellings in part of the existing rear garden of No.315 St. Albans Road West. Access to the new dwellings would be from Ashbury Close to the front of numbers 19 and 21. The existing pavers to the front of these dwellings would be extended into the site to form a continuation of the vehicular access drive. The two proposed dwellings are of the same design and are to be finished in facing brickwork and roof tiles. The proposed roof is pitched with gable ends and is finished in tiling.
- 3.2 Integral garages are proposed to the side of each plot. Two parking spaces are provided to the front of each property in the front garden. To facilitate the fifth bedroom in the roof space, a single dormer window and roof light is proposed on the rear elevation of each plot.

4 Reason for Committee Consideration

- 4.1 This application is presented to the Development Management Committee because Hatfield Town Council object to the application for the following reason

“...consider the proposal an over development of the site to what had previously been approved. Concern was also expressed on the increased traffic movements in Ashberry Close the additional accommodation would bring to the area”.

5 Relevant Planning History

- 5.1 S6/2014/1456/FP – Erection of 2 No. detached dwellings – refused 15 August 2014. A subsequent appeal (Appeal Ref: APP/C1950/A/14/2229259) was allowed in March 2015.
- 5.2 S6/2013/0398/FP - Erection of two detached dwellings with new vehicular access following the demolition of an existing garage – Granted 18 April 2013

6 Planning Policy

- 6.1 National Planning Policy Framework
- 6.2 Welwyn Hatfield District Plan 2005
- 6.3 Supplementary Design Guidance, February 2005
- 6.4 Supplementary Planning Guidance, Parking Standards, January 2004
- 6.5 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

7 Site Designation

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

8 Representations Received

- 8.1 The application has been advertised by means of neighbour notification letters. 2 representations have been received from residents in Chelwood Avenue and Ashbury Close. Their comments may be summarised as:
- Plans do not appear to have changed.
 - The private road to the front of 19 and 21 Ashbury Close is inappropriate and will cause disturbance and loss of amenity to residents within the Close.
 - No indication as to how the road will be maintained and if any agreements for its use has been secured.

9 Consultations Received

- 9.1 **Welwyn Hatfield Borough Council Landscaping and Ecology Department and Environmental Health Department** – no objections
- 9.2 **Hertfordshire County Council Transport Programmes and Strategy** – no objection subject to conditions
- 9.3 **Welwyn Hatfield Borough Council Client Services Department** – no response at the writing the report.

10 Town Council Representations

- 10.1 Hatfield Town Council object to the application and consider the proposal an over development of the site to what had previously been approved. Concern

was also expressed on the increased traffic movements in Ashbury Close the additional accommodation would bring to the area.

11 **Analysis**

11.1 The main planning issues to be considered are:

- 1. The impact on parking provision from the introduction of a fifth bedroom to each plot (NPPF, M14)**
- 2. The impact on the amenities of adjacent occupiers from the insertion of a dormer window/roof light to each plot (D1 and SPG)**

1. The impact on parking provision from the introduction of a fifth bedroom (NPPF, M14)

- 11.2 The introduction of the fifth bedroom results in the proposed parking provision being different to that approved at appeal under the previous application, and therefore consideration needs to be given to this revised design and as to whether sufficient parking is to be provided for occupiers/visitors.
- 11.3 Policy M14 is relevant along with the Supplementary Planning Guidance – Parking 2004 and the Interim Policy for Car Parking Standards and Garage Sizes.

The site is located in Zone 3 where 4 or more bedrooms require a maximum of 3 parking spaces per dwelling. The site layout drawing indicates that an integral garage space and 2 spaces to the front of the properties will be provided for each plot. As such the proposal complies with the parking standards given in the Supplementary Planning Guidance and is considered to comply with Local Plan Policy M14 and the Supplementary Parking Guidance along with the National Planning Policy Framework, subject to the planning condition imposed by the Planning Inspectorate. This required, prior to the first occupation of the development that the proposed car parking and cycle parking layout as shown on the approved drawings should be laid out and retained thereafter solely for that specific use.

2. The impact on the amenities of adjacent occupiers from the insertion of a dormer window/roof light to each plot (D1 and SPG)

- 2.4 The Policy D1 and the Supplementary Design Guidance (SDG) are considered relevant. The properties which would be most impacted by the dormer/roof light proposal are the properties in Selwyn Crescent which back onto the rear site boundary and also the adjoining property to the side boundary at No.21 Ashbury Close. The earlier Inspector's comments are also relevant where it was considered that the residential amenity of adjoining residents would not be harmed by the proposed development, albeit no rooms in the roof space were proposed at that time.
- 2.5 In regards to the dwellings in Selwyn Crescent (9 to 13 odds) which would back onto the site, the resultant separation distance is almost identical to the properties which already exist in Ashbury Close (11 to 21 odds). Whilst a dormer window and rooflight are to be introduced on the rear roof slope and which no doubt will increase the potential for views over adjacent parcels of land to a small degree, the separation distance of some 36m between primary elevations is

considered to be sufficient to ensure that there will be no undue loss of privacy and that the new dwellings will not appear either overbearing or over dominant. The separation distance is also considered to be sufficient to ensure that there will be no significant loss of daylight/sunlight or overlooking to these adjoining neighbour's rear gardens.

- 2.6 In regards to No.21 Asbury Close, the central position of the dormer will result in any views to their private amenity space being limited and a refusal on such grounds is unjustified. Turning to Plot 1 and its integral garage, which will be located alongside the flank wall of the neighbour and not projecting noticeably either to the front or rear of this neighbour's dwelling, it is considered that no such harm to No.21's amenity will result from the development hereby presented.

12 **Conditions**

- 12.1 In terms of conditions, the majority of conditions attached to the application allowed on appeal are still relevant to this revised scheme and as such are recommended to be attached to any permission given. Deleted conditions relate to earlier habitable windows on the side boundaries and the need to make them obscurely glazed, but these windows have since been deleted in the revised internal/external layouts.

13 **Conclusion**

- 13.1 The principle of housing on the site and its design, layout, scale and massing has been approved previously under application S6/2013/0398/FP and in the recent allowed planning appeal in March of this year.
- 13.2 Turning to the two main issues in the revised scheme, it is considered that both new elements are acceptable in planning terms.
- 13.3 The proposed parking arrangements would not have a detrimental impact upon highway safety, and subject to the imposition of the condition imposed by the Planning Inspector, the provision complies with Local Plan Policy M14 and the SPG along with the NPPF. Furthermore the separation distance between the rear of the property and properties in Selwyn Crescent which back onto the rear proposed dormer window and roof light elements are considered to be sufficient to ensure that there will be no significant loss of daylight/sunlight or overlooking to these adjoining neighbour's rear gardens and habitable windows.

14 **Recommendation**

- 14.1 It is recommended that planning permission be approved subject to the following conditions:
1. The development hereby permitted shall begin not later than three years from the date of this decision.

REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended)

2. C.13.1 - Development constructed and maintained in accordance with approved plans and details: Ordnance Survey Extract 1:1250 & DRG.No.1 & DRG.No.2 received and dated 10 June 2015.

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

3. No development shall take place until samples of materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

4. No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details. The landscaping details to be submitted shall include:
 - a) proposed means of enclosure and boundary treatments to all areas of the site
 - b) hard surfacing, other hard landscape features and materials.
 - c) existing trees, edges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction. This statement is to include an Arboricultural Implication and Method Statement which refers to BS5837:2005 Trees in Relation to construction and contain pre-development works, requirements for barriers and ground protection, prohibitions, and excavation details for services near existing trees.
 - d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework

5. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework

6. Both existing and proposed levels of the ground shall be shown on detailed plans and sections, including finished floor levels of the approved dwelling and those plans shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. Development shall be carried out in accordance with the approved plans.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of visual amenity of the surrounding area and to safeguard the residential amenity of the adjoining neighbours in Selwyn Crescent and Asbury Close in accordance with Policy D1 & D2 of the Welwyn Hatfield District Plan 2005 and the accompanying Supplementary Design Guidance February 2005 and the National Planning Policy Framework.

7. Prior to first occupation of the development the proposed car parking and cycle parking shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter for that specific use.

REASON: To ensure the permanent availability of the parking /manoeuvring area in the interests of highway safety.

8. The development hereby permitted shall be used for Class C3 (dwellinghouse[s]) only and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Class I of Part 3 of Schedule 2 to that Order shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of visual amenity of the surrounding area and to safeguard the residential amenity of the adjoining neighbours in Selwyn Crescent and Asbury Close in accordance with Policy D1 & D2 of the Welwyn Hatfield District Plan 2005 and the accompanying Supplementary Design Guidance February 2005 and the National Planning Policy Framework

Summary of reasons for grant of permission

The decision has also 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).

Informatives

1. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.
2. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway. This is to minimise the impact of construction vehicles and to improve the amenity of the local area.
3. Public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.
4. Surface Water Drainage - With regard to surface water drainage Thames Water advise it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water Thames Water recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

5.. The water supply comes within the area covered by the Affinity Water Company. For your information the current contact details are: Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

6. INF6 – Street Naming and Numbering

7. Refuse bins will need to be presented where the shared driveway meets the adopted highway of Ashbury Close. Bins should be sited so as not to cause a highway hazard to either vehicles or pedestrians.

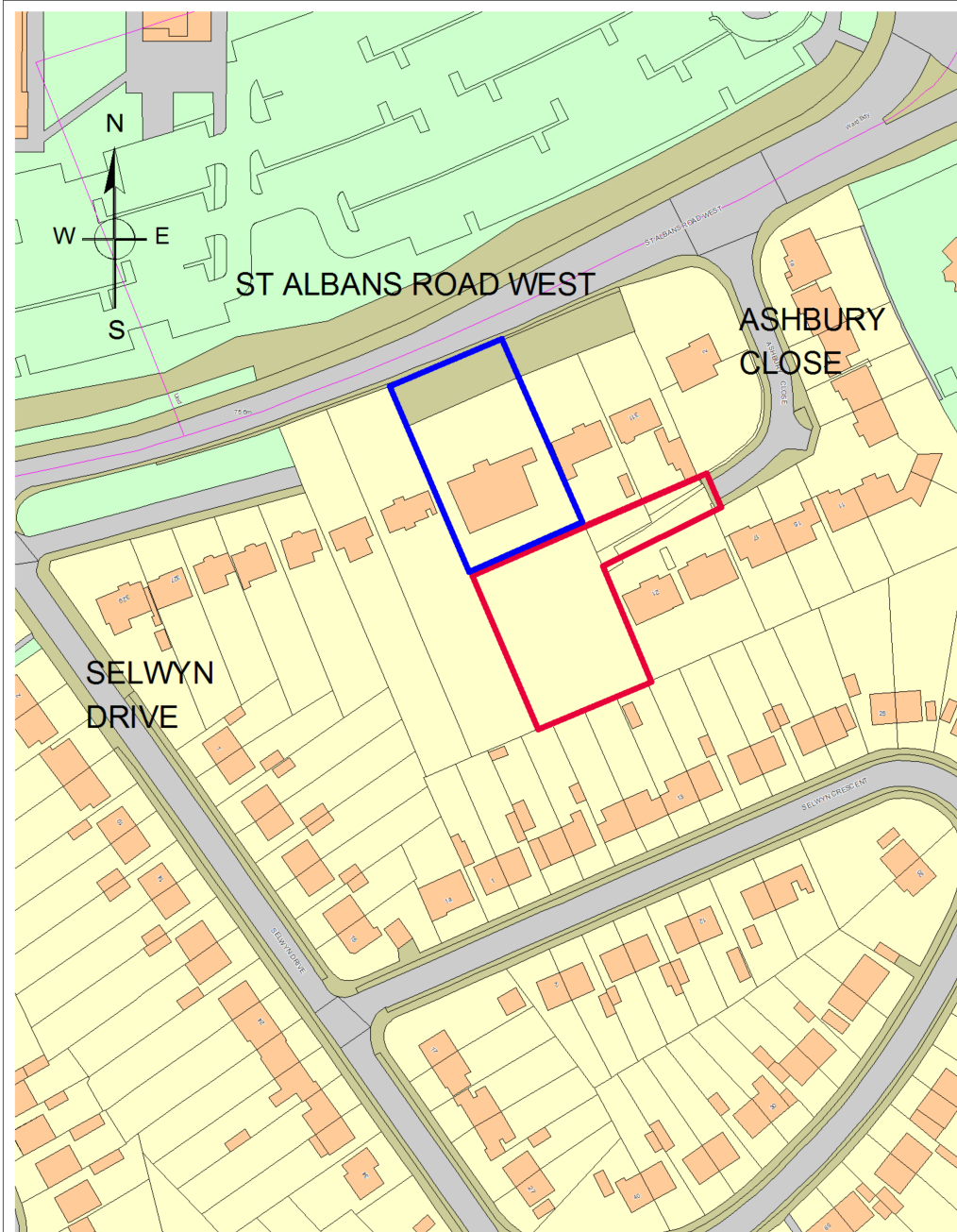
8. INF2 - Ownership

Andrew Mangham, (Strategy and Development)
Date 21 September 2015

Background papers to be listed (if applicable)

Planning Officer Report S6/2014/1456/FP

Planning Inspectorate Appeal Decision (APP/C1950/A/14/2229259)



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|  Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE | Title: 315 St Albans Road West, Hatfield | | Scale: DNS |
| | Project: DMC Meeting | | Date: 2015 |
| | Drawing Number: S6/2015/1135/FP | | Drawn: Andrew Windscheffel |
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