

## **DELEGATED REPORT**

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<b>APPLICATION NUMBER</b>	S6/2005/1560/FP
<b>LOCATION</b>	Land Adjacent to 1-12 Lambs Close, Cuffley
<b>PROPOSAL</b>	Erection of 2 two bedroom and 2 three bedroom terraced dwellings following demolition of existing garages.

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### **THE SITE**

The site comprises 33 garages in flat-roofed blocks located to the eastern side and northern end of Lambs Close, to the rear (south) of maisonettes fronting Station Road and adjacent to a four storey block of flats, Nos 1 to 12 Lambs Close dating from the 1960s. The garages are presently in separate ownership to the freehold of the flats but were provided as part of the original planning permission in 1964 for 48 flats and garages. The site area is 0.094Ha.

### **THE PROPOSAL**

The application seeks full planning permission for the demolition of the existing garages on the site and the erection of a terrace of 4 dwellings comprising two 2 bedroom and 2 three bedroom units.

The terrace of dwellings is to be aligned parallel to Lambs Close and the dwellings are to be positioned so that they have private garden space to the rear with hard/soft landscaping and car parking (8 spaces) to the front with vehicular and pedestrian access to the dwellings from Lambs Close.

The proposed terrace of 4 dwellings is to comprise a two-storey structure with a "saw tooth" series of pitched roofs over the four dwellings. Unit 1 is to the north is to be a three bedroom dwelling and is to be the largest of the four. Units 2 and 3 are both to be two bedroom dwellings and are to have the same internal floorspace. Unit 4 proposed to the southern end of the terrace is to be a second three bedroom dwelling. The maximum ridge height of units 1 and 4 is to be 6.7m, whereas the ridge height of units 2 and 3 is to be 7.0m.

An enclosed bin store is proposed to the front of the car parking area. Materials proposed are fairfaced brick walls, roof in proprietary glass reinforced plastic (GRP) with reconstituted stone parapets and natural finish timber-framed windows.

This application has been submitted following refusal of S6/2005/1560/FP for the erection of 4 two bedroom and 1 three bedroom dwellings now the subject of an Appeal (ref C1950/A/06/2009331/NWF). Previously, application S6/2005/0043/FP for the erection of 6 two bedroom terraced dwellings was also refused.

The present scheme represents a reduction in the number of dwellings proposed from 5 to 4 (ie in comparison to S6/2005/1560/FP) coupled with changes to the design and layout of the proposed units. 3 bedroom dwellings are now proposed to both the northern and the southern boundaries of the site. The reduction of one unit and revised layout results a decrease in the total built footprint of the development

in comparison with the refused scheme. However, although a smaller two storey element to the northern elevation of unit 1 previously proposed has now been deleted, there is no increase in the distance (12m) between the main part of the flank (north facing) wall of unit 1 and the rear of the adjacent properties fronting Station Road.

The maximum ridge height of unit 1 has not been reduced although (as with the previous refused scheme S6/2005/1560/FP) this takes into account that it is proposed to set the building 0.5m below adjacent ground level at the northernmost end of the terrace.

Units 1 and 2 are to be positioned 1.3m forwards of the other dwellings (units 3 and 4) in the terrace thus providing additional depth to their rear gardens.

## **PLANNING HISTORY**

E/2210-64	Erection of 48 Flats and 48 Garages – Granted
S6/1990/142 & 143	New mansard roof forming 4 one bed flats and demolition of garages – Refused
S6/1990/986	New mansard roofs to blocks A, B, C & D, 4 one bed flats to A, B, & C and car parking – Refused. Allowed on appeal.
S6/1990/987	New mansard roofs to blocks A, B, C & D, 4 one bed flats to A, B, & C and car parking – Refused. (no appeal lodged)
S6/1992/583	Revisions to S6/1990/986 for 8 studio flats for Block A – Granted
S6/1994/665	New mansard roof to block B and 8 studio flats – Granted
S6/1994/703	Revisions to S6/1990/986 for 8 studio flats – Granted
S6/1995/561	Revisions to S6/1994/703/ and S6/1994/665 to provide 4 two bed flats and 2 studio flats – Granted
S6/1997/656	New car parking layout and replacement of existing garages – Granted
S6/1998/272	Revisions to S6/1990/986 for part cosmetic mansard and 3 flats – Granted
S6/2002/1260	Demolition of 33 garages and erection of thirteen 2 bedroom flats (Scheme 1) – Refused. Dismissed on Appeal.
S6/2005/43	Demolition of existing garages and erection of 6 two bedroom terraced dwellings. Refused 10.03.2005
S6/2005/1560	Erection of 4 two bedroom and 1 three bedroom dwellings following demolition of existing dwellings. Refused. Appeal lodged.

## **SUMMARY OF RELEVANT DEVELOPMENT PLAN POLICIES**

Planning Policy Guidance Note 3 (PPG3): Housing

Hertfordshire Structure Plan Review 1991- 2011:  
Policy 6: Settlement pattern and urban concentration

Welwyn Hatfield District Plan 2005:

GBSP2 – Town and specified settlements

H2 – Location of Windfall Residential Development

M14 – Parking standards for new development

D1 – Quality of Design

D2 – Character and Context

D3 – Continuity and enclosure

D4 – Quality of the Public Realm

D5 – Design for movement

D8 - Landscaping

Supplementary Design Guidance (Statement of Council Policy)

Supplementary Planning Guidance – Parking Standards (Adopted January 2004)

## **REPRESENTATIONS**

### **Neighbouring occupiers:**

The application was advertised by neighbour notification letter sent on 14 March 2006 and by the display of a site notice posted on 28 March 2006.

28 letters of objection have been received raising the following issues:

- The proposed development is too close to the existing dwellings in Lambs Close and Station Roads
- The proposed development will overlook the existing dwellings in Lambs Close and Station Road
- The proposed development will over-populate Lambs Close
- The proposed development removes parking spaces (garages) and will exacerbate the already intolerable parking situation in Lambs Close.
- The proposal will remove mature trees and vegetation both on the site and on land adjoining
- The proposed developments will prove a danger and nuisance to residents of Lambs Close during the construction period.
- Already insufficient parking areas for the occupants of Lambs Close.
- When additional flats were added to Block 1 additional parking spaces were created. However these spaces have been removed from public use when the applicant subsequently purchased these garages and prevented the spaces being used for parking. When more flats were added to Blocks 2 and 3 there were no additional spaces provided and car parking at Lambs Close became under pressure. As these will be two bedroom dwellings it is likely that they will be purchased by two-car families. The woeful lack of adequate parking for residents and visitors will further exacerbate the problem.
- Demolition process will damage existing fences and cause a great deal of disruption over a long period of time.
- Proposed development will remove other mature trees and vegetation, both on site and on the adjacent railway embankment, which will be detrimental to local wildlife and quality of life of surroundings for existing residents.

- Disturbance from passing trains will increase
- Neighbouring occupiers were notified of an amended description of the application on 3 February 2006. Any representations received as a result of this notification will be verbally reported to Members..

**Hertfordshire Highways:**

Does not wish to restrict the grant of permission.

Recommends the imposition of conditions to provide pedestrian and vehicular visibility splays, to ensure that measures are put in place to protect the highway from dust, debris, mud or slurry during construction and that all areas for parking and storage and delivery of materials are within the site on land not part of the public highway.

**Parish Council:**

Northaw & Cuffley Parish Council object to the application. This represents overdevelopment of the site and would give a cramped appearance and be detrimental to the neighbouring properties. Contrary to Policies D1, D2 of the Welwyn Hatfield District Plan.

**Thames Water:**

With regard to surface water drainage, it is the responsibility of the developer to make proper provision for drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer as this is the major contributor to sewer flooding. Thames Water recognises that the environmental and economic benefits of surface water source control and encourages its appropriate application where it is to the overall benefit to our customers. Hence, in the disposal of surface water, Thames Water will recommend that the applicant a) looks to ensure that new connections to the public sewer system do not pose an unacceptable threat of surcharge, flooding or pollution b) check the proposals are in line with the advice from DETR which encourages, wherever practicable, disposal on site without recourse to the public sewerage system- for example in the form of soakaways or infiltration areas on free draining soils c) looks to ensure the separation of foul from surface water sewerage on all new developments.

There are public sewers crossing the site, therefore no building will be permitted within 3 metres without Thames Water's approval.

**Environment Agency:**

No objection in principle. Recommend the imposition of a condition to secure a detailed site investigation to determine whether the site is contaminated and then that appropriate measures to prevent pollution to the ground water be carried out before development commences. They also recommend the imposition of conditions so that details of the construction of the site drainage system are approved by the LPA and that no soakaways are constructed in contaminated land.

**Welwyn Hatfield Access Group:**

Request that the application be considered subject to the standards and criteria outlined in the current District Plan and that planning approval is conditional on compliance with detailed access requirements. Also that application, where appropriate, is considered against criteria outlined in the Building Regulations Part M and BS8300 Code of Practice.

## **DISCUSSION**

The main issues relate to the acceptability of the revised proposal for the erection of a terrace of four dwellings (two 2 bedroom units and two 3 bedroom units) in terms of their impact on the appearance of the street scene, impact on the amenity of neighbouring properties and parking/access matters and whether the revised proposal overcomes the reasons for refusal of planning application S6/2005/1560/FP.

### The principle of housing development

PPG3 (Housing) encourages the provision of more housing within towns and other specified settlements and encourages local planning authorities to avoid the inefficient use of land; to make full use of previously developed sites and to seek higher density developments, by taking a more flexible approach to development plan standards in respect of car parking, amenity space and overlooking. However, it goes on to state that good quality design and layout should not be sacrificed in the drive for a more efficient use of land and higher density development.

The application site is located within an existing housing area, and it is considered here that residential use of the land would represent a desirable form of development subject to an assessment of the scheme against the adopted and emerging policies governing new residential development, namely whether it is designed to be in keeping with the character and quality of the local environment, ensuring that there is a proper means of access and adequate car parking provision. Additionally, it will be important to ensure there is adequate space between buildings to avoid the loss of amenity to neighbouring houses and flats, for example, by overshadowing, loss of privacy etc.

It is considered that the site only partially satisfies the requirements of Policy H2 (Location of Windfall Residential Development) in that this is a previously developed site accessible to services and facilities by transport modes other than car, that there is capacity in existing/potential infrastructure to absorb further development and that such development would have the ability to reinforce existing communities. There are physical and environmental constraints that would influence the use of the site for housing and which will dictate the precise form of development that may be acceptable, in particular it will be important to ensure there is adequate space between buildings to avoid the loss of amenity to neighbouring houses and flats, for example, by overshadowing, loss of privacy etc. Car parking is also a particularly important issue here given the fact that the pressure for on-street car parking is a sensitive issue locally.

### Design Criteria

Although the application site is located within an existing housing area, it is considered that the proposal represents an undesirable form of development for a number of reasons to be discussed below. In certain circumstances, it may be acceptable to develop sites for new housing that are in keeping with the character and quality of the local environment. In assessing the development of this type, it is necessary to ensure that there is a proper means of access, which is convenient and safe for both drivers and pedestrians, and adequate provision exists for car parking. Additionally, it is important to ensure there is adequate space between old and new

buildings to avoid the loss of amenity to neighbouring houses, for example, by overshadowing, loss of privacy etc.

As indicated previously, whilst it is acknowledged that the advice contained in PPG3 promotes the better use of previously developed land, this also suggests that new housing development should be well designed. In isolation the revised design of the proposed terrace of dwellings is considered acceptable. Supplementary Design Guidance advises that the context of the site is crucial and a clear appreciation of this in the design of new development is the starting point for creating distinctive and attractive places. The design and layout of the development should be informed by the wider context, ie with regard not just to the neighbouring buildings, but also the townscape and landscape in the wider locality; this will help create a place that is valued and pleasing to the eye. New development should not be viewed in isolation from its location and surroundings.

Cuffley possesses a great variety of housing design. It is characterised by detached bungalows and a wide variation in sizes and styles of detached and semi-detached dwellings. Lambs Close possesses blocks of flats (those adjacent to the site are 4 storey in height) and date from the 1960s, although the mansard roofs have been added more recently. The present garages on the site have no architectural merit. It is considered that the proposed terrace of dwellings relate acceptably to the design of neighbouring properties in terms of their scale and massing and relationship with the street scene.

However, the close proximity of the bulk of the proposed northern elevation of the terraced dwellings to the boundary with residential properties in Station Road indicates that the proposal would not respect its surrounding environment and the existing spaces between dwellings and pays insufficient regard to the pattern of development in the vicinity of the application site and the proposal amounts to an overdevelopment of the site.

#### Residential amenity

First floor window proposed on the northern flank elevation of the proposed row of terraced dwellings is to be a secondary window bedroom window and so reasonably could be obscured glazed and retained as such by a condition imposed on a planning permission. Therefore, despite the relatively short rear gardens to the adjacent maisonettes in Station Road, there would be no potential for overlooking into these properties.

All other windows to habitable rooms are on the front and rear elevations of the proposed development and therefore these will not allow any opportunity for overlooking into adjacent residential properties.

In terms of outlook, in comparison with the previously refused scheme (S6/2005/1560/FP) the distance between the bulk of the main flank (north facing) wall of proposed Unit 1 and the rear of the adjacent properties fronting station road has not increased from what it was previously (ie 12m). Whilst it is acknowledged that a small two storey element previously proposed (this element contained a stairwell) has been removed from the central portion of this elevation, this would be insufficient to alleviate the impact the proposal is likely to have on the amenities of neighbouring occupiers. Although the overall footprint of the proposal has been reduced from that proposed in S6/2005/1560/FP, the revised arrangement and

change in the sizes of the four dwellings now proposed has not significantly reduced the extent of the developed footprint (ie measured from north to south).

As was the case with S6/2005/1560/FP, given the relatively short rear gardens of the maisonettes and the height and scale of the proposed building, it is likely that the bulk of the northern flank wall of the proposed development would appear overbearing when viewed from these adjacent maisonettes and that this would cause unacceptable harm to the outlook of their occupiers.

In terms of sunlight and daylight, the terrace of dwellings is to be located due south of the maisonettes in Station Road. The relative orientation of this terrace of houses to the maisonettes combined with the height and width of the northern flank wall, would result in unacceptable overshadowing and loss of sunlight to the rear gardens and rear windows of some of the maisonettes. Such development would result a significant loss of sunlight and daylight received by the occupiers of these neighbouring properties.

The proposal would therefore cause unacceptable harm to the living conditions of the occupiers of adjoining dwellings and would fail to accord with Policy D1 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance.

Supplementary Design Guidance (Statement of Council Policy) requires that new dwellings other than elderly persons dwellings and flats will generally be required to provide a rear garden and that the garden for a new dwelling should be of a width and shape to ensure the garden is functional. Whilst it is important for residential developments to provide adequate amenity space for residents, the Council do not wish to apply rigid standard sizes for gardens. Overall, it is considered that the gardens proposed are acceptable for the type of dwellings they serve and would meet the useable needs of the residents for which the houses are designed.

#### Highways and Parking considerations

In terms of the proposed access and parking, the Highways Authority has not raised any objections, subject to the imposition of recommended conditions.

The adopted parking standards (supplementary planning guidance) specify that the maximum parking requirement for 2 two bedroom dwellings and 2 three bedroom dwelling in this Zone 4 location is 8 spaces (rounded to the nearest whole space). The level of parking spaces for residential development is dependant upon the site's accessibility to non-car modes of transport (its zone). Adopted Supplementary Planning Guidance on parking indicates that the maximum standards for residential development allow for a lower parking standard for sites in Zones 1 and 2, but otherwise no further zonal restraint needs to be applied. Therefore, in agreement with comments from the Highways Authority, it is considered that the off street parking provision of 8 spaces proposed is acceptable.

Turning to the loss of the existing 33 garages, as part of the a previous refused application (S6/2005/0043/FP) the applicant provided at schedule of occupation for these garages that are in his ownership. This showed that at the time this application was submitted (16 December 2004) that 24 were being used for storage purposes, 2 for parking and that 7 are empty and available for use. Since that time there may have been a further change in the occupancy of these garages, although

updated information has not been submitted with the current application.

These garages were constructed as part of the original planning permission (E/2210-64) for 48 flats and garages. Because the garages are in separate ownership and do not form part of the freehold/leasehold interests of owners of nearby flats means that, despite the history of their construction relating to these flats, they cannot be secured in perpetuity for parking purposes by the flats' occupiers.

The inspector, in dismissing an appeal against the Council's refusal of a proposal for 13 two-bedroom flats on this site (S6/2002/1260/FP) considered parking and highway safety issues. He was of the opinion that, although the site is within easy walking distance of a train station and bus stop, future occupiers of residential units would be reliant on the car to access necessary facilities such as schools and larger shops and for leisure. He also acknowledged, however, that the provision of less parking spaces on the site than the number of garages that would be lost would be likely to result in fewer vehicle trips to and from the site and that relatively few of the garages were used by the residents of Lambs Close. It should be noted that the Inspector did not object in principle to the loss of these 33 garages.

As already discussed, the proposed development adheres to the adopted maximum parking standards for this type of residential development in this location (Zone 4) and would therefore be unlikely to increase levels of on-street parking in the vicinity of the site. Whilst it is recognised that there are issues at certain times of day relating to pressure for on-street parking, it is considered overall that the proposal would not exacerbate existing overspill parking in Lambs Close and other roads in the area and also that the loss of the garages would itself be insufficient a reason to warrant refusal of the application.

## **CONCLUSION**

To conclude, the erection of 2 two bedroom and 2 three bedroom dwellings of the size proposed and in this location would bring about an unacceptably cramped form of development that would be likely to cause harm to the character, form and appearance of the area. The proposed terraced of dwellings would, by virtue of their size, height and close proximity to existing maisonettes fronting Station Road have an overbearing impact injurious to the amenity of the occupiers of these neighbouring properties and would also be likely to bring about a significant loss of sunlight and daylight received by the occupiers of these properties.

The proposal fails to accord with the requirements of Policies H2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance (Statement of Council Policy).

## **RECOMMENDATION**

That planning application S6/2006/0297/FP be REFUSED.

## **REASONS FOR REFUSAL**

1. By reason of their size, number and positioning, the proposed dwellings would represent an overdevelopment of the site, giving a cramped appearance having an unsatisfactory relationship with existing development,



to the detriment of the amenity of the locality in general. The proposal would fail to accord with Policies D1, D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance (Statement of Council Policy), which together seek to achieve a high standard of environment.

2. By reason of its height, depth and siting close to adjoining maisonettes fronting Station Road, the proposed terrace of four dwellings would be likely to have an overbearing impact on the occupiers of these properties to the detriment of their amenity, and would also be likely to bring about a significant loss of sunlight and daylight received by the occupiers of these neighbouring properties. This is contrary to Policy D1 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance (Statement of Council Policy).

**SUMMARY OF THE REASONS FOR THE GRANT OF PERMISSION/ CONSENT**

N/A

**DRAWING NUMBERS**

504/B/101  
504/B/100

(drawings Stamped WHDC 10 March 2006).

Signature of report writer.....

Date.....