

**WELWYN HATFIELD BOROUGH COUNCIL
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

DELEGATED APPLICATION

Application No: 6/2017/1079/FULL
Location: Land adjacent to 37-48 Lambs Close, Cuffley, Potters Bar, EN6
 4HD
Proposal: The erection of 3 x 2 bedroom flats
Officer: Mr D Elmore

Recommendation: Refused

6/2017/1079/FULL

Context	
Site and Application description	<p>Planning permission is sought for 3no two bedroom flats in a rectangular shaped parcel of land at the southern end of Lambs Close, Cuffley.</p> <p>Planning permission has been granted under planning number: 6/2015/2173/FULL for 2no two bed flats. A large proportion of the ground floor structure of this permission has been erected on site. The scale, design, internal layout and appearance of the 2no two bed flats, as granted, remain completely unchanged under this proposal. The third two bed flat would be built at second floor level and on-top of the approved 2no two bed flats.</p> <p>Lambs Close is a cul-de-sac turning off Station Road in the centre of Cuffley. The Close is a development of four blocks of 12 flats (48 in total) built in the 1960's. Subsequent planning permissions were granted for the addition of mansard roofs providing an additional 23 flats (71 in total) and the provision of additional parking spaces within the close.</p> <p>The original layout included two areas of lock-up garages and open areas for vehicle parking – one at the northern end of Lambs Close (33 garages), the other at the southern end adjacent to flats Nos 37-48 (24 garages). The latter area is the application site. In 2001 these two areas were sold at auction. The northern area subsequently gained planning permission for demolition of the 33 garages and construction of 5 houses with provision of eight open parking spaces. The southern area has been subject of a number of planning applications for residential development and recently a Breach of Condition Notice and Planning Appeal. Previous to the implementation of planning permission 6/2015/2173/FULL, the site contained 11 garages in poor condition and an open level area with a loose gravel surface suitable for parking.</p>
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt - Distance: 1.75</p> <p>PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0</p> <p>Wards - Northaw & Cuffley - Distance: 0</p> <p>FM30 - Flood Zone Surface Water 30mm (1889738) - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (2748393) - Distance: 0</p> <p>HEN - No known habitats present (high priority for habitat creation) - Distance: 0</p>

	<p>TPO - TPO209 T1 - Distance: 0</p> <p>TPO - TPO209 T2 - Distance: 0.1</p> <p>TPO - TPO209 T3 - Distance: 8.95</p>
Relevant planning history	<p>Application Number: 6/2015/2174/VAR Decision: Granted Decision Date: 10 August 2016</p> <p>Proposal: Variation of condition 5 (retain car parking area) on planning permission S6/1998/0272/FP (Part cosmetic mansard and part full mansard incorporating 3 No. flats (amendments to planning permission S6/0986/90/FP))</p> <p>Application Number: 6/2015/2173/FULL Decision: Granted Decision Date: 09 August 2016</p> <p>Proposal: Erection of 2no two bedroom flats together with associated parking and retention of existing car parking spaces following demolition of existing garages</p> <p>Application Number: S6/2013/2646/FP Decision: Withdrawn Decision Date: 20 January 2014</p> <p>Proposal: Erection of a detached dwelling with associated parking following the change of use of the land from parking, including the demolition of existing garages (with the exception of the rear walls) and removal of existing hardstanding</p> <p>Application Number: S6/2012/1962/FP Decision: Refused and dismissed at appeal Decision Date: 09 November 2012</p> <p>Proposal: Erection of a detached dwelling with associated parking following the change of use of the land from parking, including the demolition of existing garages (with the exception of the rear walls) and removal of existing hardstanding. Appeal dismissed for following reason:</p> <p><i>'I find that the development of a detached house on the appeal site, involving the permanent loss of garages and car parking spaces, would have a significantly harmful effect on the amenity of residents in Lambs Close and threaten highway safety, contrary to NPPF and DP Policy D2'</i></p> <p>Application Number: S6/2011/0413/FP Decision: Refused Decision Date: 17 June 2011</p> <p>Proposal: Erection of 1 pair semi detached dwellings with associated parking following the change of use of the land from parking, including the demolition of existing garages (with the exception of the rear walls) and removal of existing hardstanding</p> <p>Application Number: ENF/2011/0003 Decision: Upheld at appeal Decision Date: 28 October 2014</p> <p>Breach of condition 5 of S6/1998/0272/FP, upheld on appeal for the following reason:</p>

'Given the considerable harm I have found in terms of highway safety, the character and appearance of Lambs Close, and residential amenity, the appeal on ground (a) must fail and I intend to refuse planning permission on the deemed application for discharge of condition 5'

Application Number: S6/2010/2466/FP Decision: Withdrawn Decision Date: 08 February 2011

Proposal: Erection of 2 semi-detached dwellings following clearance of existing site

Application Number: S6/2006/1446/FP Decision: Refused Decision Date: 21 December 2006

Proposal: DEMOLITION OF EXISTING GARAGES AND ERECTION OF THREE 2-BEDROOM TERRACED DWELLINGS

Application Number: S6/2006/0297/FP Decision: Refused Decision Date: 03 May 2006

Proposal: ERECTION OF 2 TWO BEDROOM AND 2 THREE BEDROOM TERRACED DWELLINGS FOLLOWING DEMOLITION OF EXISTING GARAGES

Application Number: S6/2005/1560/FP Decision: Refused Decision Date: 10 February 2006

Proposal: ERECTION OF 4 TWO BEDROOM AND 1 THREE BEDROOM TERRACED DWELLINGS FOLLOWING DEMOLITION OF EXISTING GARAGES

Application Number: S6/2005/0042/FP Decision: Refused Decision Date: 02 November 2005

Proposal: DEMOLITION OF EXISTING GARAGES AND ERECTION OF 4 No. TWO BEDROOM TERRACED DWELLINGS

Application Number: S6/2002/1261/FP Decision: Refused Decision Date: 25 October 2002

Proposal: DEMOLITION OF ELEVEN GARAGES, AND THE ERECTION OF SEVEN 2 BEDROOM FLATS (SCHEME II)

Application Number: S6/2002/1260/FP Decision: Refused Decision Date: 25 October 2002

Proposal: DEMOLITION OF THIRTY THREE GARAGES, AND THE ERECTION OF THIRTEEN 2 BEDROOM FLATS (SCHEME 1)

Application Number: S6/1998/0272/FP Decision: Granted Decision

	<p>Date: 08 June 1998</p> <p>Proposal: Part cosmetic mansard and part full mansard incorporating 3 No. flats (amendments to planning permission S6/0986/90/FP)</p> <p>Application Number: S6/1997/0656/FP Decision: Granted Decision Date: 26 September 1997</p> <p>Proposal: New parking layout and replacement of existing garages</p> <p>Application Number: S6/1990/0986/FP Decision: Refused Decision Date: 15 March 1991</p> <p>Proposal: Addition of new Mansard roof, staircase, and lift to blocks A,B,C & D and the provision of 4 x 1 bedroom flats to blocks A,B & C only, with associated car parking</p>		
Consultations			
Neighbour representations	Support: 0	Object: 28	Other: 0
Publicity	<p>Site Notice Display Date: 7 June 2017</p> <p>Site Notice Expiry Date: 28 June 2017</p>		
Summary of neighbour responses	<p>Objection from occupier of 3 Theobalds Close summarised as follows:</p> <ul style="list-style-type: none"> • Overlooking and overshadowing of back garden • Loss of privacy of garden • Blocking of garden view • Reduction of property value • Out of character with area • Does not comply with Lifetime Homes Standards • Lack of parking • Inadequate bin provision • Living walls require maintenance/light conditions and specialist care <p>Objections from residents of Lambs Close summarised as follows:</p> <ul style="list-style-type: none"> • There are already not enough off-street or on-street car parking spaces for residents of the existing 71 flats in Lambs Close. Planning application 6/2017/1079/FULL proposes only one off-street car parking space per two-bedroom flat. This will inevitably cause overspill car parking along Lambs Close exacerbating the aforementioned car parking problem. <p><u>Other objection(s)</u></p> <p>Objection from Northaw & Cuffley Residents Association summarised as follows:</p> <ul style="list-style-type: none"> • Overlooking/loss of privacy upon bungalows on Theobalds Road • Design out of character with the area 		

Consultees and responses	<p>Councillor George Michaelides – No response</p> <p>Councillor Irene Dean – No response</p> <p>Councillor Bernard Sarson – No response</p> <p>Northaw & Cuffley Parish Council – Comment stated as follows: <i>'We consider the form of development is inappropriate and out of character'</i></p> <p>Welwyn Hatfield Borough Council (Landscapes Department) – Comments summarised as follows:</p> <ul style="list-style-type: none"> • No Arboricultural Method Statement nor Tree Protection Plan submitted. There are TPO'd trees adjacent to this site whose RPA extends into the site. • In managing expectations about what these living-walls may look like I would caution against the style pictures noted in the appendix. These are from other countries (some tropical), are promotional pictures (i.e. at their peak and maintained for the photo shoot), use a variety of instillation methods to achieve the look and are on buildings which have a collective responsibility for their look i.e. large flats with management companies. It would have been more helpful to include comparative schemes. Living-walls in this region of the UK, in full sun and managed by private individuals. • Living wall is possible and could be successful if the right person moved into the flat. Living-walls which are not maintained are an eyesore and this could become a prominent derelict feature in the neighbourhood • More information required before a reasonable decision can be made <p>Welwyn Hatfield Borough Council (Client Services) – Acceptable</p> <p>Hertfordshire County Council (Hertfordshire Transport Programmes & Strategy) – No objection subject to condition</p> <p>Network Rail – No comment</p>
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Relevant Policies

NPPF
 D1 D2 GBSP1 GBSP2 M14
Others: H2, Supplementary Design Guidance, Supplementary Planning Guidance – Parking Standards, Interim Policy for Car Parking Standards and Garage Sizes

Main Issues

Design (form, size, scale, siting) and Character (appearance within the streetscene)	<p>This application proposes a further 2-bed flat to be built over that granted and commenced under planning permission 6/2015/2173/FULL. The scale, design, internal layout and appearance of the 2no two bed flats, as granted, remain completely unchanged under this proposal.</p> <p>The flats in Lambs Close date from the 1960's. The external walls are finished in red brick and the roofs were flat but have 1980's mansard roof additions. A number of bungalows and 'chalet-style' bungalows along Theobalds Road and Theobalds Close back onto the application site. These properties are faced in red brick and/or render with pitched tiled roofs.</p> <p>The additional 2-bed flat would have a living-wall and a flat roof. The scale and massing of the development would not exceed that of the adjacent flats within Lambs Close. The building would also not be excessive in size relative to other properties abutting the site within Theobalds Road and Theobalds Close.</p>
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	<p>In terms of the proposed living wall, although this is not seen in the immediate vicinity of the site, its introduction would not detract from the character of the existing area.</p> <p>Taking account of the above, it is considered that the proposed development is acceptable in this respect.</p>
<p>Impact on neighbours</p>	<p><u>Future occupants</u></p> <p>The living conditions of future occupants of the two 2-bed flats at first floor level were considered acceptable under planning application: 6/2015/2173/FULL.</p> <p>The additional flat proposed would feature an open balcony which would provide an adequate drying space and a sitting area for this flat. This particular site (with car parking at ground level) does not lend itself to provision of communal open areas.</p> <p>Overall, the proposed development is considered to comply with Council Policy in these respects.</p> <p><u>Neighbouring residents</u></p> <p>The nearest properties are Block D Lambs Close, No's 29-33 Theobalds Road and No's 1-3 Theobalds Close.</p> <p>With regard to Block D Lambs Close, the nearest corner would be 11 metres from the north elevation of the proposed flats. The windows in the south elevation of Block D would be between 11 metres and 17 metres from the proposed flats, which would be 8.3 metres high. Taking into account the siting of the proposed building, its height and the separation distance it is not considered that the proposed development would be unduly dominant or result in any adverse loss of light toward the windows of the adjacent flats.</p> <p>In terms of privacy, the first floor landing window was conditioned under the recent planning permission to be glazed in obscure glass to prevent overlooking/loss of privacy to the ground and first floor windows in the south elevation of Block D. This window remains unchanged under this application and such a condition would be re-imposed in the event of a grant of planning permission. A further landing window is proposed on the north elevation of the development facing the south elevation of Block D. This window has been annotated to be glazed in obscure glass. Obscure glazing is considered appropriate to prevent overlooking/loss of privacy to the ground, first and second floor windows in the south elevation of Block D.</p> <p>With regard to houses in Theobalds Road, an objection has been received from Northaw & Cuffley Residents Association regarding overlooking/loss of privacy upon these properties. The building and west elevation openings were considered acceptable in amenity terms under planning permission: 6/2015/2173/FULL. The second floor west elevation of the proposed development would be set in 14 metres from the site boundary so that this west elevation would be 46 metres from the nearest rear elevation along Theobalds Road (33 Theobalds Road). The increase in the height of the building by 2.5 metres would therefore not be unduly dominant or result in loss of light given the significant separation distances between the proposed development and relevant properties along Theobalds Road. Similarly, such separation distance would mean that there would not be any adverse overlooking/loss of privacy from such properties. Therefore, the development would not cause harm to the living conditions of occupiers of any properties along Theobalds Road to the west.</p>

	<p>With regard to the houses on Theobalds Close, an objection has been received from the occupier of 3 Theobalds Close. Grounds of objection include: overlooking, overshadowing, loss of privacy and loss of view.</p> <p>The building and south elevation openings were considered acceptable in amenity terms under planning permission: 6/2015/2173/FULL. The second floor south elevation would be set in 4 metres from the rear boundaries of No's 1-3 Theobalds Close, 28 metres from the rear wall of No. 3 Theobalds Road and 30 metres from the rear wall of No. 1 Theobalds Road. The garden at No. 3 is currently screened by established trees and at No. 1 by conifer trees. Although the proposed building would be increased in its height by 2.5 metres, the length of the gardens and the presence of screening from shrubs and trees, at the rear of No 3 Theobalds Close in particular, would mean that the house would not be unduly dominant or unreasonably affect outlook from rooms at the rear of the bungalows or when viewed from their rear gardens.</p> <p>The size and positioning of the building would also not adversely affect daylight/sunlight toward these properties.</p> <p>In terms of privacy, 2 full height second floor windows (one serving a bathroom and the other a kitchen) would face No's 1-3. The bathroom window would be glazed in obscure glass, whilst the kitchen window would be clear glazed. The positioning of the building and second floor south facing windows relative to No. 1 Theobalds Close would enable residents of the second floor flat to have only an oblique view from the kitchen window toward the rear fenestrations and rear garden of this property. This would not unreasonably threaten privacy. In contrast, both of these second floor windows would directly face a large proportion of the rear garden of No. 3 Theobalds Close. These windows, being full height and at second storey level, would be viewed between and above the existing trees and be particularly prevalent from the rear garden of this property when the trees are in autumn/winter months. Officers therefore consider that the height, design and positioning of the kitchen window, would result in harmful loss of privacy of the private rear garden of No. 3 Theobalds Close. Furthermore, although the bathroom window would be obscure glazed, its height, design and positioning would result in a perception of overlooking toward the rear garden of this property. As such, these windows would cause actual and perceived overlooking, harmful to the living conditions of the occupiers of No. 3 Theobalds Road in this respect.</p>
<p>Access, car parking and highway considerations</p>	<p>An Enforcement Appeal Decision issued in 2014 (APP/C1950/C/14/2212081) and Appeal Decision in 2013 (APP/C1950/A/12/2187557) considered that the level of parking provision (24 garages) was necessary for the existing flats (71 units) on this site. Consequently, planning application: 6/2015/2173/FULL outlined that any reduction in the provision of spaces within the site would be considered an exception to the adopted policy approach and would need to be justified.</p> <p>The planning permission recently granted and commenced on the site (6/2015/2173/FULL) involved the demolition of the existing garages and provision of 24 open car parking spaces. 3 car parking spaces would be provided for the two 2-bed flats and 21 spaces for the occupiers of flats within Lambs Close. The 3 spaces for the two 2-bed flats were in accordance with the adopted standards but this resulted in the loss of 3 spaces reserved for the existing flats. Such a shortfall was however acceptability offset through the provision of car-free arrangements. This included cycle storage for the two flats and three storage facilities for two wheeled vehicles within the site. A S106 agreement also secured 21 spaces for the sole use for residents of Block</p>

A-D Lambs Close.

This application proposes an additional 2-bed flat against the exact same parking provisions to that granted under the aforementioned planning application. Therefore, 1 car parking space would now be provided for each 2-bed flat.

The maximum car parking provision (Supplementary Planning Guidance – Parking Standards 2004) for three 2-bed flats in this location is 4.5 parking spaces. As such, the proposed development would have a shortfall of 1.5 spaces below that of the Council's maximum standards.

The maximum standards adopted in 2004 are not consistent with the NPPF 2012. In light of this, the Council has produced an Interim Policy for Car Parking Standards and Garages sizes which states that parking provisions will be assessed on a case by case basis and the existing maximum standards should be taken as guidance only.

On-street parking in Lambs Close is subject to a residents' parking scheme, and provides space for 45 cars. There are currently 13 off-street spaces – in the areas immediately to the north-west and south-east of Block D.

On the basis of the current policy and standards there should be a total of 105 spaces to serve the entire Lambs Close development. The Inspector for the 2013 Appeal considered the contribution of the appeal site towards parking within Lambs Close. It was concluded on the parking issue that a consequence of the unavailability of the 24 spaces on the appeal site was a clear shortage of off-street parking spaces for use by residents of the flats, which was not adequately compensated by on-street parking. It was also considered that the shortage had a number of undesirable effects, including, overcrowded parking areas, road safety concerns and damage to verges and landscaped areas. These findings were concurred with in the 2014 Enforcement Appeal on the site.

As previously mentioned, recent planning application 6/2015/2173/FULL considered that two 2-bed flats and the subsequent loss of 3 of the 24 car parking spaces on the site was acceptable. Officers however are of the view that the introduction of another 2 bed flat (i.e. three 2-bed flats) would demand no less than the Council's guideline car parking provision (4.5 spaces). Such a shortfall would not be compensated by non-car modes of transport or the proximity of the site to facilities and public transport in the centre of Cuffley. The proposed development therefore falls short of this guideline provision and fails to accord with the Council's car parking policy and supplementary parking guidance.

If planning permission were to be granted for the development proposed, it is highly likely that a number of cars associated with the three 2-bed flats would have no other option but to either park in some of the 21 spaces designated for the existing flats within Lambs Close, park on-street within Lambs Close, use grass verges or landscaped areas. This would exacerbate the already significant lack off-street parking provision for the whole Lambs Close development which inspectors agreed in previous appeal decisions should be maintained.

Taking account of the above, inadequate parking provision would be provided for the proposed development, contrary to Policy M14 of the Welwyn Hatfield District Plan 2005, Supplementary Planning Guidance 2004 (Statement of Council Policy), Interim Policy for Car Parking Standards and Garage Sized 2014 (Statement of Council Policy) and National Planning Policy Framework

	<p>2012.</p> <p>With regard to access and highway considerations, Hertfordshire Highways have been consulted and recommend a prior to occupation conditions regarding the completion of on-site car and cycle parking areas in accordance with the plans submitted. This can be secured through planning condition in the event of a grant of planning permission.</p>
<p>Landscaping Issues</p>	<p>Saved Policy D8 of the Welwyn Hatfield District Plan 2005 requires all developments to include landscaping as an integral part of the overall design. The retention and enhancement of existing key landscape features such as trees and shrubs is expected. Landscaped areas should be designed so that maintenance is straightforward.</p> <p>The site itself does not contain any vegetation since it was cleared when the garage buildings were removed. However, the sites around contain trees close to the boundary. There are two TPO oak trees close to the north west corner of the site set within the gardens of houses in Theobalds Road. There are also mature conifer trees just outside the southern boundary in the garden of No. 3 Theobalds Close and a row of new conifer trees along this boundary in the garden of No. 1 Theobalds Close.</p> <p>No Arboricultural Method Statement Statement nor Tree Protection Plan has been submitted alongside this application.</p> <p>Planning permission: 6/2015/2173/FULL, imposed conditions requesting a soft landscaping and statement for the protection of retained trees. These pre-commencement conditions were subsequently discharged under ref: 6/2016/2031/COND, however such details have not been provided alongside this application. As this application would essentially grant a fresh planning application, the aforementioned conditions would need to be re-imposed in order for the landscaping to be satisfied in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.</p> <p>The Council's Landscaping Department also made comment regarding the introduction of a 'living wall'. It was outlined that no information has been given as to the method of green wall provision or the style and appearance of this. Living walls require considerable maintenance like any other garden and can be expensive to maintain. The Council's Landscaping Officer also expressed caution at the style of pictures noted in the appendix of the submitted Design & Access Statement. These photos are from other countries (some tropical), are promotional pictures (i.e. at their peak and maintained for the photo shoot), use a variety of instillation methods to achieve the look and are on buildings which have a collective responsibility for their look i.e. large flats with management companies. It would have been more helpful to include comparative schemes. Living-walls in this region of the UK, in full sun and managed by private individuals which would likely be the case in this scheme.</p>
<p>S106 agreement</p>	<p>Planning permission: 6/2015/2173/FULL was subject to a S106 agreement with the following requirement:</p> <p><i>“On practical Completion, the Developer is to provide twenty one (21) parking spaces for the parking of non-commercial vehicles and three (3) secure cycle units, within the areas hatched brown on the Plan, in perpetuity and free of charge for the benefit of the residents of Block A, B, C and D of Lambs Close and to grant a pedestrian and vehicular right of way (in connection with accessing those parking spaces) over the land hatched blue on the Plan, in perpetuity and free of charge for the benefit of the residents of Blocks A, B, C and D of Lambs Close</i></p>

	<p><i>Lambs Close Leasehold Association to be responsible for the allocation of the said parking spaces to the residents of Blocks A, B, C and D”.</i></p> <p>As previously mentioned within this report, this application would provide the exact same parking and secure cycle provision to that approved under ref: 6/2015/2173/FULL. In the event of a grant of planning permission, this S106 would need to be re-imposed and the absence of such an updated S106 would result in a reason for refusal as the LPA consider that it would be inappropriate to secure the number of parking spaces and cycle storage units by any method other than a legal agreement.</p>
<p>Any other considerations</p>	<p>Network Rail were consulted as the site abuts the railway land as its eastern end. They responded with no observation to the proposed additional floor at this site.</p> <p>Under the previous planning permission for two 2-bed flats, Network Rail responded with a requirement for the provision and maintenance of an additional 1.8m high fence adjacent to the railway land and this was subsequently secured through planning condition. They also requested conditions over drainage, a method statement, soundproofing of the flats from railway noise, lighting and careful choice of plant species in landscaping. Conditions and an information were subsequently imposed or covered in the decision notice for this approval and would be re-imposed within this application in the event of a grant of planning permission given the clear overlap in these respects.</p>
<p>Conclusion</p>	
<p>The second floor south elevation windows, serving a bathroom and kitchen for Flat 3, by virtue of their height, design and positioning, would present both direct and perceived overlooking toward the private rear garden of number 3 Theobalds Close, detrimental to the levels of privacy currently enjoyed by the occupiers of this property. Accordingly, the proposed development would be contrary to Policy D1 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005 (Statement of Council Policy 2005) and relevant provisions of the National Planning Policy Framework 2012.</p> <p>The provision of 3 off-street car parking spaces would be inadequate for the proposed three, two bedroom flats, and given the clear demonstrable lack of existing car parking provision for the Lambs Close Development, it is not considered that the shortfall of off-street parking serving the proposed development would be acceptability offset via off-street and on-street parking elsewhere within the immediate vicinity. As such, the proposal development is contrary to Policy M14 of the Welwyn Hatfield District Plan 2005, Supplementary Planning Guidance 2004 (Statement of Council Policy), Interim Policy for Car Parking Standards and Garage Sized 2014 (Statement of Council Policy) and National Planning Policy Framework 2012.</p> <p>The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the number of parking spaces and cycle storage units for the use proposed by any method other than a legal agreement and the proposal is therefore contrary to the Policy IM2 of the Welwyn Hatfield District Plan 2005 and National Planning Policy Framework 2012.</p>	

Reasons for Refusal:

1. The second floor south elevation windows, serving a bathroom and kitchen for Flat 3, by virtue of their height, design and positioning, would present both direct and perceived overlooking toward the private rear garden of number 3 Theobalds Close, detrimental to the levels of privacy currently enjoyed by the occupiers of this property. Accordingly, the proposed development would be contrary to Policy D1

of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005 (Statement of Council Policy 2005) and relevant provisions of the National Planning Policy Framework 2012.

2. The provision of three off-street car parking spaces would be inadequate for the proposed three, two bedroom flats, and given the clear demonstrable lack of existing car parking provision for the Lambs Close Development, it is not considered that the shortfall of off-street parking serving the proposed development would be acceptability offset via off-street and on-street parking elsewhere within the immediate vicinity. As such, the proposal development is contrary to Policy M14 of the Welwyn Hatfield District Plan 2005, Supplementary Planning Guidance 2004 (Statement of Council Policy), Interim Policy for Car Parking Standards and Garage Sized 2014 (Statement of Council Policy) and National Planning Policy Framework 2012.
3. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the number of parking spaces and cycle storage units for the use proposed by any method other than a legal agreement and the proposal is therefore contrary to the Policy IM2 of the Welwyn Hatfield District Plan 2005 and National Planning Policy Framework 2012.

REFUSED DRAWING NUMBERS

4.

Plan Number	Revision Number	Details	Received Date
1139-302	B	Ground Floor Plan	13 July 2017
1139-303	B	First Floor Plan	13 July 2017
1139-304	B	Second Floor Plan	13 July 2017
1139-305	B	Proposed Elevations	13 July 2017
1139-301	B	Site Plan	13 July 2017
1139-300	B	Location Block Site Plan	13 July 2017
1139_600		Refuse Collection Vehicle Access Plan	14 June 2017
1139 308	B	Refuse Enclosure Elevations	14 June 2017

1. POSITIVE AND PROACTIVE STATEMENT

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 viewed on the Council's website or inspected at these offices).

Determined By:

Mrs L Hughes
20 September 2017