

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

**DELEGATED APPLICATION**

**Application No:** 6/2017/1319/VAR  
**Location:** The Spinney High Road Essendon Hatfield AL9 6HT  
**Proposal:** Variation of condition 1 (approved plans) on planning permission  
 6/2016/1118/FULL dated 13/10/2016  
**Officer:** Mr S Dicocco

**Recommendation:** Granted

<b>Context</b>	
<b>Site and Application description</b>	<p>The application is for the variation of condition 1 (approved plans) of permission referenced 6/2016/1118/FULL which approved the “<i>erection of 2 dwellinghouses following demolition of existing buildings</i>”. Whilst variations of conditions applications have the effect of a second planning permission, consideration can only be had in regards to the differences between the permitted and resultant schemes.</p> <p>The existing site is currently occupied by a single detached dwellinghouse and a garage and two outbuildings, which are set in grounds that include an extensive area of lawn, peripheral tree/shrub planting and a scattered array of trees. The existing house is located in the northern part of the site and an access drive lies on the western side of the house. The western site boundary is defined by a timber fence and by peripheral tree/shrub planting.</p> <p>On the opposite side of High Road (to the west) is a historical dwelling known as North Lodge, whilst further south, are the Essendon Place to the south.</p> <p>The extant permission allowed the division of the site to create two residential plots with detached dwellings alongside detached double garages including separate cycle and refuse storage areas. Furthermore, the extant permission allows the erection of a brick wall dividing the two plots.</p> <p>Plot 1 of the extant permission is the smaller of the two plots at about 0.19 hectares, and would be located towards the northern corner of the site, accessed by the existing entrance from High Road. Plot 2 of the extant position would be larger, measuring about 0.63 hectares, accessed by a new entrance from High Road towards the southern part of the site.</p> <p>The variation of condition 1, applied for within this application, proposes the moving of the boundary divide between plots south by 5m allowing a larger plot to Plot 1. This would result in Plot 1 having a site area of approximately 0.22 hectares. Furthermore, the variation proposes the relocation of the detached dwelling within Plot 2 south by 9.5m, as well as the repositioning of the site entrance further north along High Road to create a shorter driveway.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>CA - Conservation Area: ESSN; - Distance: 0.47</p> <p>LBC - LISTED BUILDING Country house - Circa 1830 remodelling of late - Distance: 35.29</p>

	<p>GB - Greenbelt - Distance: 0</p> <p>LCA - Landscape Character Area (West End - Brickendon Wooded Slopes) - Distance: 0</p> <p>LCA - Landscape Character Area (Little Berkhamsted Settled Plateau) - Distance: 0</p> <p>PAR - PARISH (ESSENDON) - Distance: 0</p> <p>Wards - Brookmans Park &amp; Little Heath - Distance: 0</p> <p>CP - Cycle Path (Leisure Route) - Distance: 6.64</p> <p>HEN - Existing S41 NERC Act habitat - Distance: 0</p> <p>HEN - No known habitats present (high priority for habitat creation) - Distance: 0</p> <p>TPO - TPO 618 (2017) W1 - Distance: 0</p> <p>TPO - TPO 592 (2016) W1 - Distance: 0</p> <p>TPO - TPO3 W4 - Distance: 0</p>
<p><b>Relevant planning history</b></p>	<p>Application Number: E6/1948/0606/ Decision: Granted Decision Date: 14 January 1949  Proposal: Two cottages</p> <p>Application Number: E6/1974/0611/ Decision: Granted Decision Date: 13 December 1974  Proposal: Private garage, removing front porch forming new entrance and new window</p> <p>Application Number: S6/2015/0594/HH Decision: Refused Decision Date: 01 May 2015  Proposal: Construction of single storey side extension on each side of dwelling following the demolition of existing garage and two outbuildings</p> <p>Application Number: S6/2015/0727/LUP Decision: Granted Decision Date: 02 June 2015  Proposal: Certificate of lawfulness for a proposed single storey basement and the erection of two storey rear extension, a porch, alterations to windows and insertion of new windows, erection of single storey garage and single storey outbuilding</p> <p>Application Number: S6/2015/1203/HH Decision: Prior Approval Not Required Decision Date: 21 July 2015  Proposal: Prior approval for the erection of single storey side extensions to either side following demolition of existing garage and two outbuildings</p> <p>Application Number: 6/2016/1118/FULL Decision: Granted Decision Date: 20 October 2016</p>

	Proposal: Erection of 2 dwellinghouses following demolition of existing buildings		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	Site Notice Display Date: 1 August 2017 Site Notice Expiry Date: 22 August 2017 Press Advert Display Date: 5 July 2017 Press Advert Expiry Date: 19 July 2017		
<b>Summary of neighbour responses</b>	None		
<b>Consultees and responses</b>	<ol style="list-style-type: none"> <li>1. Hertfordshire County Council - Historic Environment Advisor – No objection</li> <li>2. Essendon Parish Council - Ms D Daniell – No response</li> <li>3. Welwyn Hatfield Borough Council - Landscapes Department 29/06/2017 09:21 - I have no objections to:           <ul style="list-style-type: none"> <li>* Repositioning the landscaped boundary between plots one and two by 5 metres further south, allowing for a more generous garden space in plot one</li> <li>* Repositioning the house on plot two slightly further south, providing a greater separation distance between the properties and thereby improving privacy</li> <li>* Repositioning the second site access further north to create a shorter driveway towards plot two, thereby reducing the amount of hard standing required within the development</li> <li>* Removing several trees to facilitate this work, including only one additional category B tree (T12), whilst retaining others that had previously been identified for removal</li> </ul> </li> <li>4. WHBC - Conservation - Andrew Robley - the changes are not significant excepting how they might impinge on the frontage trees/hedgerows and the gateways. As long as my advice re minimising tree loss and conditioning design of the gates to avoid the usual tawdry “mansion inspired” decorative “wrought iron” gates and oversized brick or stone piers, my comments would be as before</li> <li>5. Welwyn Hatfield Borough Council - Councillor Stephen Boulton – No response</li> <li>6. Welwyn Hatfield Borough Council - Councillor John Dean – No response</li> <li>7. Welwyn Hatfield Borough Council - Councillor Jonathan Boulton – No response</li> <li>8. Hertfordshire County Council – Highways Authority – No objection</li> </ol>		
<b>Relevant Policies</b>			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" type="checkbox"/> GBSP1 <input type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 Others D8 – R17 – R19 – R11 – SD1 – H1 – H2 – RA10 – Supplementary Design Guidance – Interim Car Parking and Garage Size Policies – Supplementary Planning Guidance on Parking Standards			

<b>Main Issues</b>	
<b>Is the development within a conservation area?</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Would the significance of the designated heritage asset be conserved or enhanced?</b>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Comment</b> (if applicable): It is not considered that the variations applied for would alter the impact of the scheme on the setting of surrounding heritage assets.	
<b>Would the development reflect the character of the area?</b>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Comment</b> (if applicable): The previous objections in regards to the character of the area, including the Landscape Character Area, was the urbanisation of the site eroding the demonstrable physical attributes within the site. Whilst the proposal would result in the loss of further trees internal to the site, no objection has been raised by the Landscapes Officer. It is not considered that the movement of the approved urban dwelling 9.5m further south would not cause demonstrable further harm to the character of the area of the Landscape Character Area.	
<b>Would the development represent appropriate development within the Green Belt?</b>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
<b>Comment</b> (if applicable): The size and scale of the proposed development, alongside the dimensions of the cumulative plots, are not proposed to be increased. The proposed relocation of the dwelling within Plot 2 south by 9.5m would not cause considerably greater harm to the Green Belt than the approved scheme.	
<b>Would the development maintain the amenity of adjoining occupiers?</b> (e.g. privacy, outlook, light etc.)	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
<b>Comment</b> (if applicable): The relocation of the dwelling within Plot 2 would result in a better relationship between the proposed dwellings, with no greater impact on the amenity of any adjoining premises outside of the application site.	
<b>Would the development provide / retain sufficient parking?</b>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
<b>Comment</b> (if applicable): The variations have no impact in terms of parking provision. The relocation of the crossover/access for Plot 2 has been considered acceptable in terms of potential impact on the safe use of the highway by Hertfordshire County Council as Highways Authority.	
<b>Any other issues</b>	<p>The new landscaping plan has been assessed and found acceptable by a Landscapes Officer within Welwyn Hatfield Borough Council.</p> <p>Since the grant of permission of application referenced 6/2016/1118/FULL, no applications for the discharge of details reserved by conditions have been received by the Local Planning Authority. Accordingly, the conditions applicable to the previous permission can be copied across verbatim to any pending approval of this variation of conditions application.</p>
<b>Conclusion</b>	
It is considered that the variation of approved plans condition 2 of planning permission referenced 6/2016/1118/FULL would not result in material conflict with policies contained within the Local Development Framework. Accordingly, planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted in line with Paragraph (2)(a) of Section 73 of the Town and Country Planning Act 1990 (as amended).	

**Conditions:**

PRIOR TO COMMENCEMENT

1. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

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.

2. No development shall take place until full details of any proposed entrance gates to be included in the development have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full on site and subsequently, the approved details shall not be changed.

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.

PRIOR TO OCCUPATION

3. The area set aside for car parking shall be laid out surfaced and marked out, in accordance with a scheme which has been submitted to and agreed in writing by the Local Planning Authority before the buildings hereby permitted are first occupied and shall be retained permanently thereafter for the free parking of vehicles for residents/occupiers of the development permitted and shall not be used for any other purpose.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety in accordance with the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A - G of Part 1 of Schedule 2 or Class A of Part 2 of Schedule 2 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 the visual amenity of the area in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the appropriateness of any future extensions in the Green Belt in accordance with the National Planning Policy Framework and Policy RA4 of the Welwyn Hatfield District Plan 2005.

5. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 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. All

landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

#### DRAWING NUMBERS

6. The development/works shall not be started and completed other than in accordance with the approved plans and details:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
A-20	D	Proposed Site Plan	19 June 2017
A-21	D	Proposed Site Plan (Root Protection)	19 June 2017
A-22	D	Proposed Site Plan (Tree Analysis)	19 June 2017
A-23		Proposed Site Plan (Comparison Layout)	19 June 2017
PRI19764-03A	A	Tree Protection Plan	19 June 2017
SE_L008		Landscape Master Plan	26 June 2017
SE_L001		Detailed Masterplan (Tile 1)	26 June 2017
SE_L002		Detailed Masterplan (Tile 2)	26 June 2017
SE_L003		Detailed Masterplan (Tile 3)	26 June 2017
SE_L004		Detailed Masterplan (Tile 4)	26 June 2017
SE_L005		Detailed Masterplan (Tile 5)	26 June 2017
SE_L006		Detailed Masterplan (Tile 6)	26 June 2017
SE_L007		Planting Schedules	19 June 2017
A-47		Proposed House - Plot 2 - Section A	7 June 2016
A-48		Proposed House - Plot 2 - Section B	7 June 2016
A-49		Proposed House - Plot 2 - Section C	7 June 2016
A-00	A	Site Location Plan	7 June 2016
A-30	B	Proposed House - Plot 1 - Ground Floor Plan	4 August 2016
A-31	B	Proposed House - Plot 1 - First Floor Plan	4 August 2016
A-32	B	Proposed House - Plot 1 - Roof Plan	4 August 2016
A-33	B	Proposed House - Plot 1 - West Elevation	4 August 2016
A-34	B	Proposed House - Plot 1 - North Elevation	4 August 2016
A-35	B	Proposed House - Plot 1 - East Elevation	4 August 2016
A-36	B	Proposed House - Plot 1 - South Elevation	4 August 2016
A-37	B	Proposed House - Plot 1 - Section A	4 August 2016
A-38	B	Proposed House - Plot 1 -	4 August 2016

		Section B	
A-40	B	Proposed House - Plot 2 - Ground Floor Plan	4 August 2016
A-41	B	Proposed House - Plot 2 - First Floor Plan	4 August 2016
A-42	B	Proposed House - Plot 2 - Roof Plan	4 August 2016
A-43	B	Proposed house - Plot 2 - West Elevation	4 August 2016
A-44	B	Proposed House - Plot 2 - North Elevation	4 August 2016
A-45	B	Proposed House - Plot 2 - East Elevation	4 August 2016
A-46	B	Proposed House - Plot 2 - South Elevation	4 August 2016
A-50		Plot 2 - Garage	4 August 2016
ACD		Arboricultural Impact	19 June 2017
Environmental		Assessment & Method	
al		Statement	
The Ecology		Ecology Appraisal	7 June 2016
Consultant			
ACD		Tree Report	7 June 2016
Environmental			
al			

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

#### 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).

#### **Informatives:**

1. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Lorraine Davis 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
2. No removal of vegetation within the bird breeding season (generally March – August inc.) should take place unless it has been satisfactorily demonstrated that no nesting activity is taking place.
3. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire – Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

**Determined By:**

Mrs L Hughes  
13 September 2017