

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

**DELEGATED APPLICATION**

**Application No:** 6/2017/2329/FULL  
**Location:** Land Adjacent to 37 Lambs Close Cuffley EN6 4HD  
**Proposal:** Erection of 3 x 2-bedroom dwellings with associated parking - retrospective  
**Officer:** Mr William Myers

**Recommendation:** Refused

6/2017/2329/FULL

<b>Context</b>	
<b>Site and Application description</b>	<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 reference: 6/2015/2173/FULL for 2no two bed flats. A large proportion of this structure has now been constructed 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 Enforcement 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. This area was required by condition 5 of S6/1998/0272/FP and the subsequent enforcement notice, which was upheld on appeal, to be retained solely for use of parking for Lambs Close residents. Given the previous loss of parking caused by the loss of 33 parking spaces because of their replacement with 5 dwellinghouses the provision of parking in the area has deteriorated since planning S6/1998/0272/FP.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>GB - Greenbelt - Distance: 0.04</p> <p>PAR - PARISH (Northaw AND Cuffley) - Distance: 0</p>

	<p>Wards - Northaw &amp; Cuffley - Distance: 0</p> <p>FM30 - Flood Zone Surface Water 30mm (1889933) - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (2748393) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (18092) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7633108) - Distance: 0</p> <p>HEN - No known habitats present (high priority for habitat creation) - Distance: 0</p> <p>HEN - Existing habitat not currently qualifying under S41 NERC Act - Distance: 0</p> <p>SAGB - Sand and Gravel Belt - Distance: 0</p> <p>TPO - TPO209 T1 - Distance: 0</p> <p>TPO - TPO209 T2 - Distance: 0.37</p> <p>TPO - TPO209 T3 - Distance: 9.22</p>
<p><b>Relevant planning history</b></p>	<p>Application Number: 6/2017/1079/FULL      Decision: Refused</p> <p>Decision Date: 20 September 2017</p> <p>Proposal: The erection of 3 x 2 bedroom flats</p> <p>Reason for Refusal:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol>

	<p>Application Number: 6/2015/2174/VAR      Decision: Granted  Decision Date: 10 August 2016  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  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  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  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:  <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  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  Breach of condition 5 of S6/1998/0272/FP, upheld on appeal for the following reason:</p>
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*'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

	<p>Decision 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</p> <p>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</p> <p>Decision Date: 15 March 1991</p> <p>Proposal: Addition of new Mansard roof, staircase, and lift to blocks A,B,C &amp; D and the provision of 4 x 1 bedroom flats to blocks A,B &amp; C only, with associated car parking</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 21	Other: 0
<b>Publicity</b>	<p>Site Notice Display Date: 26 October 2017</p> <p>Site Notice Expiry Date: 16 November 2017</p>		
<b>Summary of neighbour responses</b>	<p>Objections from residents of Lambs Close summarised as follows:</p> <ul style="list-style-type: none"> <li>• There are already not enough off-street or on-street car parking spaces for residents of the existing 71 flats in Lambs Close. This application proposes only 1.33 off-street car parking spaces per two-bedroom flat. This is below the Council's parking standards and will inevitably cause overspill car parking along Lambs Close exacerbating the aforementioned car parking problem.</li> <li>• Concerns were expressed regarding the accessibility of application documents on the Council's website.</li> </ul>		
<b>Consultees and responses</b>	<p>1. Network Rail - Ms Amanda Ashton Thank you for your letter of 18 October 2017 providing Network Rail with an opportunity to comment on the abovementioned application.</p> <p>In relation to the above application I can confirm that Network Rail has no observations to make. Please note for future consultations, Amanda Ashton no longer works at Network Rail. If you could address future correspondence to myself that would be much appreciated. Our email inbox remains the same (townplanninglne@networkrail.co.uk).</p> <p>2. WHBC - Client Services 19/10/2017 10:25 - 19/10/2017</p> <p>A set of 2 bins would be provided per property 1 x 180l Black bin for refuse and 1 x 240l Blue Lidded bin for recycling FOC</p> <p>These would be emptied on an alternate weekly basis.</p>		

	<p>3. Northaw &amp; Cuffley Parish Council - Jason Grocock 2/11/2017 19:57 - The Parish Council has a major objection to this application on the following basis:-</p> <p>Overdevelopment of the site. Creates overlooking on neighbouring properties. Inappropriate development of the site. Inadequate car parking. Similar scheme previously rejected (6/2017/1079/FULL)</p> <p>4. Hertfordshire County Council - Hertfordshire Transport Programmes &amp; Strategy Comment – No objection subject to condition</p>
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**Relevant Policies**

NPPF  
 D1  D2  GBSP1  GBSP2  M14  H2  
 Supplementary Design Guidance  Supplementary Parking Guidance  Interim Policy for car parking and garage sizes  
Others: D8, IM2

**Main Issues**

**Design (form, size, scale, siting) and Character (appearance within the streetscene)**

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.

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.

The additional 2-bed flat would have a white rendered wall in contrast to the brick work finish that the lower floor has. It is considered that the proposed render would poorly relate to the lower floors of the building which are predominantly brickwork. In addition, the use of white render would place the proposed building at odds with the materials used on Flat D of Lambs Close and the other blocks of flats in Lambs Close, which are the only buildings in the immediate area of a similar height. The large floor to ceiling windows in the new floor do not relate to the windows within the lower floors and are not in keeping with the fenestration style found within the immediate area. It is therefore considered that the proposed additions would not relate to what has already been approved and would poorly relate to the other buildings of a comparable height in the immediate area.

The scale and massing of the development would not exceed that of the adjacent flats within Lambs Close but it would exceed the height of the properties abutting the site within Theobalds Road and Theobalds Close. It is considered that it is important when considering whether a proposal is excessive that consideration must be had to what previously stood in the same location. In this case the original built form in this location was a collection of modest single storey garages which because of their scale and massing appeared as ancillary, or even incidental, to the flats that they served in Lambs Close. In addition, these garages were significantly smaller in terms of their scale and massing to the properties abutting the site within Theobalds Road and Theobalds Close. As a consequence of the scale and massing of these buildings were in keeping with the physical and environmental constraints of

	<p>the site.</p> <p>It is important to note that the previously approved building would still be subordinate and ancillary to the flats within Lambs Close because its scale and massing would mean that it would at least a storey lower than Block D because this building is part three, part four storeys. In addition, this building would be roughly the same height as the chalet-style' bungalows along Theobalds Road and Theobalds Close back onto the application site.</p> <p>It is considered that the increase in the building height proposed by this application would mean that this relationship between the application site and its immediate neighbours would be fundamentally changed. This is because the new building would become a three storey building like the western half of Block D of Lambs Close which is only three storeys in height, unlike the rest of the blocks of flats in Lambs Close which are four storeys. Such a similarity in height would mean that the proposed building would no longer appear subordinate or ancillary to this building. This change would be felt by both residents within Block D and the residents of the adjoining properties on Theobalds Road and Theobalds Close back onto the application site. It is therefore considered that the proposed development does not respect or relate to the character and context of the immediate area that surrounds the application site.</p> <p>Overall the proposed development is excessive and a poor standard of design with the result that it is contrary to the Framework and policies D21 and D2 of the District Plan which attach great importance to the design of the built environment and the SDG which seeks a design led approach to development.</p>
<p><b>Impact on neighbours</b></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. As a consequence of a site visit that was conducted on the 23<sup>rd</sup> November 2017 at approximately midday it was observed that the shadow cast by the current two storey was just below the window level of most of the ground floor windows in the southern elevation of Block D. With the most western window on this southern elevation being half in shade by the existing two storey building. Photos of from this visit have been produced within Appendix WM1 of this report for reference.</p> <p>It is judged that this site visit clearly illustrates the reality of impacts that the previously approved building has on Block D. It is considered that such a</p>

graphic illustration of this impact has only become possible since the development on the site has reached its current stage. This visit demonstrated that the increase in height of the current building that is proposed as part of this application, even with its setting in from the lower levels, would result in a loss in light to the ground floor windows in the southern elevation of Block D, Lambs Close. As the sun is at this low level above the horizon for approximately three months of the year it is considered that this shadow would affect these properties for at least this period of time every year. It is understood that the windows in the south western limb of the southern elevation of Block D are all habitable rooms (living rooms and bedrooms) and that the windows of the south eastern limb of the southern elevation serve living rooms, kitchens and toilets. Currently as a result of the positioning of these windows, and as a consequence of there being nothing to obstruct the Sun's light, the rooms that these windows serve enjoy a significant amount of the available sunlight in the winter months. The loss of this light will not only result in these rooms receiving significantly less sunlight in the winter but it will also result in them losing a substantial amount of the passive heat gain that they currently receive from this sunlight. As the flats within Block D do not occupy more than one storey it is considered that the loss of sunlight to the habitable rooms in these ground floor flats in the winter months would result in an unacceptable impact on the living conditions that these residents currently enjoy and are accustomed to.

It is important to note that Blocks A-D Lambs Close have been positioned in a manner that provides sufficient separation between the habitable windows in these buildings to limit the effect of the shadows that these buildings cast.

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.

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 and 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 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.

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



	<p>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 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 the properties on Theobalds Road or Theobalds Close.</p>
<p><b>Access, car parking and highway considerations</b></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 A-D Lambs Close.</p> <p>This application proposes an additional 2-bed flat with one extra parking space for the three flats. Therefore, the proposal seeks to provide approximately 1.33 car parking space for each 2-bed flat.</p> <p>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 space below that of the Council’s maximum standards as it is not possible to provide half a space.</p> <p>It is important to note that 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.</p> <p>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. The application site as part of the approved permission and S106 provides 21 off-street spaces.</p> <p>On the basis of the current policy and standards there should be a total of 105 off street spaces to serve the entire Lambs Close development. With the use of both on street and off street parking the residents of Lambs Close currently have access to 79 parking spaces which is well below that required. The Inspector for the 2013 Appeal considered the contribution of the appeal site</p>

	<p>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.</p> <p>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 in total) would demand no less than the Council's guideline car parking provision as an absolute minimum. This is because of the significant parking shortage which exist within Lambs Close, highlighted within by two inspector. In addition, as a consequence of the fact that this application like the previous applications requires the use three car parking spaces that were previously allocated to the residents of Block A-D Lambs Close it is considered that anything but the minimum provision required within the Council's parking standards would place an unacceptable burden on the already inadequate parking provision in Lambs Close. Furthermore, 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.</p> <p>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.</p> <p>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 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 could be secured through planning condition in the event of a grant of planning permission.</p>
<p><b>Landscaping Issues</b></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</p>

	<p>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>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. The similar details have been provided alongside this application and are considered acceptable with the result that if permission were granted it is considered reasonable to impose a condition requiring the development on site accords with these details.</p>
<b>S106 Agreement</b>	<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 one extra parking and with the same secure cycle provision to that approved under ref: 6/2015/2173/FULL. A draft legal agreement has been submitted as part of this application by the applicant. In the event of a grant of planning permission, a S106 would need to be re-imposed and the absence of such an updated S106 would result in a reason for refusal as the Local Planning Authority 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>
<b>Any other considerations</b>	<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>
<b>Conclusion</b>	
<p>The cladding of the proposed second floor addition and the use of floor to ceiling windows in this addition would be out of character with the immediate area and are inappropriate features. In addition, it is considered that the proposed additions would fundamentally change the character of the area because the new building would cease to be ancillary in terms of its size and scale to the flats within Lambs Close. Accordingly, the proposed development would be contrary to Policy D1</p>	

and D2 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.

The proposed development would result in a loss of sunlight to the ground floor windows within the southern elevation of Block D, Lambs Close resulting in unacceptable harm to the amenity and living conditions of occupiers. This is because the proposed development would block most of the direct sunlight that these flats currently receive for at least three months, over the winter, each year. 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.

The provision of 4 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.

### **Reasons for Refusal:**

1. The cladding of the proposed second floor addition and the use of floor to ceiling windows in this addition would be out of character with the immediate area and are inappropriate features. In addition, it is considered that the proposed additions would fundamentally change the character of the area because the new building would cease to be ancillary in terms of its size and scale to the flats within Lambs Close and would fail to fit within the physical and environmental constraints of the site. Accordingly, the proposed development would be contrary to Policy D1 and H2 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 four 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 the National Planning Policy Framework 2012.
3. The proposed development would result in a loss of sunlight to the ground floor windows within the southern elevation of Block D, Lambs Close resulting in unacceptable harm to the amenity and living conditions of occupiers. This is because the proposed development would block most of the direct sunlight that these flats currently receive for at least three months over the winter each year. 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.

## REFUSED DRAWING NUMBERS

4.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
1139-304	C	Proposed Second Floor Plan	11 October 2017
1139-305	C	Proposed Elevations	11 October 2017
1139-303	B	Proposed First Floor Plan	11 October 2017
1139-302	B	Proposed Ground Floor Plan	11 October 2017
1139-301	C	Existing & Proposed Site Plan	11 October 2017
1139-300	B	Location & Block Plans	11 October 2017
1139-301b		Landscaping Scheme	11 October 2017
1139-302		Existing Ground Floor Plan	16 October 2017
1139-303		Existing First Floor Plan	16 October 2017
1139-304		Existing Elevations	16 October 2017
1139-305		Existing Elevations	16 October 2017
1139-301a		Existing Site Plan	16 October 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:**

Mr Mark Peacock  
11 December 2017

## Appendix WM1











