

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

DELEGATED APPLICATION

Application No: 6/2020/1088/HOUSE
Location: 83 Bramble Road Hatfield AL10 9SB
Proposal: Erection of outbuilding
Officer: Ms Emily Stainer

Recommendation: Granted

6/2020/1088/HOUSE

Context				
Site and Application description	<p>The application property is a detached property located on the south of Bramble Road. Planning permission is sought retrospectively for the retention of an outbuilding in the rear garden, which was erected without planning permission in February 2020. During the application process the applicant has amended the design of the existing outbuilding from a building with a pitched roof measuring approximately 4 metres in height, to a proposed outbuilding with a flat roof measuring approximately 2.5 metres in height. The outbuilding would be for a games and tv room to be used in association with the main dwelling. It would also include space for storage.</p> <p>A site visit was made by the case officer on the 23rd June 2020, but only from public vantage points due to the restrictions in place as a result of the Coronavirus pandemic (COVID-19). A suitable level of information has been acquired in which to make a full and thorough assessment by use of the case officer's photographs taken from the street scene, photographs provided by the applicant, photographs from neighbours and aerial imagery online. The specific merits of this case means that a full and complete assessment can be made in respect of this particular application.</p>			
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Colney Heath Farmland) - Distance: 0 PAR - PARISH (HATFIELD) - Distance: 0 Wards - Hatfield Villages - Distance: 0 WCCF - Watling Chase Community Forest - Distance: 0 A4HD - Article 4 HMO Direction - Distance: 0 HHAA - Hatfield Heritage Assessment Area(Wilkin's Green) - Distance: 0</p>			
Relevant planning history	<p>Application Number: S6/1979/0632/ Decision: Granted Decision Date: 26 September 1979 Proposal: Ground floor rear extension</p>			
Consultations				
Neighbour representations	<table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">Support: 0</td> <td style="text-align: center;">Object: 8</td> <td style="text-align: center;">Other: 5</td> </tr> </table>	Support: 0	Object: 8	Other: 5
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Publicity	<p>Neighbour notification letters Site Notice Display Date: 23 June 2020</p>			

	Site Notice Expiry Date: 14 July 2020
Summary of neighbour responses	<p>Neighbour comments have been received from 79, 81, 85 and 87 Bramble Road. A summary of these comments is listed below:</p> <ul style="list-style-type: none"> • Concern for the intended use of the outbuilding, particularly whether it could be used as an independent dwelling; • The proposed building will result in a loss of privacy; • The outbuilding is imposing, overbearing and out of scale for the size of the garden and will sit very close to the boundary; • Loss of view of the woodlands; • A neighbour has recently converted an outbuilding to have a flat roof, which has enhanced views of the woodlands; • A flat roof measuring 2.5 metres would be better suited and make the structure less overbearing to the surrounding neighbours; • No trees are declared to be within close proximity of the outbuilding. This is not the case as 4 trees, ranging from circa 12m to 16m high are on the rear boundary to 83 Bramble Road; • A building structure that existed prior to the works starting on site has not been included; • Existing and proposed sections and floor levels should be provided; • The height of the building appears to be greater than the height proposed on the scaled drawing included in the applicants drawing pack; • The local area is dominated by white rendered 1940's buildings with clay or concrete roof tiles, which this proposal is clearly at odds with; • Applications should include a biodiversity survey/report; an extract of the checklist wording is attached. A survey/report should be commissioned and added to the planning application information provided by the applicant; • It will potentially have a negative impact on future buyers; • It will generate noise.
Consultees and responses	<p>Hatfield Town Council – Major Objection: “Members support the neighbour's objections. They consider this too close to the neighbouring properties, too high, having the potential for a separate dwelling and over development of the site. They note the concerns about adjacent trees and are worried about any root damage caused. Members hope that the Planning Officer was able to look at the inside of the structure on their site visit.”</p> <p>Following re-consultation on the amended drawings Hatfield Town Council confirmed: “Members have changed it to just an objection.”</p>
Relevant Policies	
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Others: D8 Landscaping, R11 Biodiversity and Development, R17 Trees, Woodland and Hedgerows Emerging Local Plan: SP9, SADM11, SADM16	
Main Issues	
Is the development within a conservation area?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Would the development reflect the character of the area?	

Yes No

Comment (if applicable):

Glimpsing views of the roof of the existing structure were visible during the case officer's site visit, however it is considered that the amended flat roof design at a lower height will mitigate this impact from the street scene. Accordingly, it is considered that the development does not detract from the area's character.

Would the development reflect the character of the dwelling?

Yes No N/A

Comment (if applicable):

Policies D1 and D2 of the District Plan respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's SDG which emphasises that extensions should complement and reflect the design and character of the dwelling and be subordinate in scale. These design policies are broadly consistent with Policy SP9 of the Emerging Local Plan and the NPPF.

The NPPF in particular advocates high quality design and that permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

The existing outbuilding is substantially complete and finished with a pitched roof, a pitched roof porch canopy and timber cladding in a natural wood stain. Windows and doors are also constructed out of matching timber. The amended design would instead feature a flat roof measuring approximately 2.5 metres in height from ground floor level. It would have a floor area of approximately 42sqm (gross external) and comprise a games room, TV room and a storage room. The front porch would be retained but with a flat roof.

The outbuilding is located to the rear of the garden and is clad in natural timber, a material commonly used for outbuildings in both urban and rural areas. Whilst the floor area is large for an outbuilding and the existing pitched roof increases its prominence from surrounding properties, the proposed amendment to the design to include a flat roof would mean it sits comfortably within the context of a lengthy and spacious garden. Given that a substantial area of outdoor amenity space would remain, the outbuilding would not appear dominant or cramped in its setting, nor compromise the functionality and usability of the garden.

In summary, it is considered that the design and scale of the proposed outbuilding would not be out of keeping with the character and appearance of the existing property or the surrounding area. Overall there are therefore no objections to policies D1 and D2 and it is considered the amended proposal respects the built form of the existing dwelling.

Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)

Yes No N/A

Comment (if applicable):

With regard to the impact on the amenity of adjoining neighbours, Policy D1 and the SDG states that any extension should not cause loss of light or appear unduly dominant from an adjoining property. Policy SADM11 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 124 of the NPPF says that good design is a key aspect of sustainable development, creates better places in which to work and live and helps make development acceptable to communities.

It is acknowledged that the outbuilding is built within close proximity of the boundaries of the

application site, however the amended design with a lower flat roof, behind the existing boundary screening on either side, would not present an unduly overbearing impact or loss of light to neighbouring rear gardens.

It is acknowledged that the proposed outbuilding would feature windows and doors, meaning views would be possible over the existing height of the boundary fencing. However, while views could be obtained of the neighbour's gardens, it is unlikely that the outbuilding would result in any undue overlooking of the dwelling or the patio area to the rear of the neighbouring properties over and above the existing situation.

In summary, it is therefore considered that the proposal would not have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring residencies and would not appear visually overbearing. Overall it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level.

Would the development provide / retain sufficient parking?

Yes No N/A

Comment (if applicable):

Any other issues

Biodiversity

Policy R11 of the District Plan outlines that all new development will be required to demonstrate how it would contribute positively to the biodiversity of the site. Policy SADM16 of the Emerging Local Plan states that proposal will be expected to maintain, protect and wherever possible enhance biodiversity. This approach is consistent with the NPPF.

Given the small scale nature of the proposed application, it is not considered that the application would result in harm to the biodiversity of the site or adjoining land.

Landscaping

Neighbour comments summarised concerns relating to trees at the rear of the application property. Photographs were provided and sent to the council's landscaping team, who outlined that the building could have an impact on the trees but it would be likely to be minimal. The trees in question are not protected by a Tree Preservation Order (TPO) or a Conservation Area, and it is worth noting that a similar outbuilding could be implemented by utilising permitted development rights, not requiring planning permission, in which case landscaping would not be a consideration. Furthermore, roots growing outside of the neighbouring garden could be cut back to the boundary under Common Law, regardless of the current planning application. This would be classed as a civil matter which is outside the scope of this application.

Use of the Outbuilding

The comments received from neighbours and Hatfield Town Council about the intended use of the building are noted. However, it is considered that a functional link with the main dwellinghouse would be retained. The layout and use annotated are considered to be incidental to the main dwellinghouse and there is no contrary evidence or reason to doubt the intentions for the use of the outbuilding. Moreover, if in the future the outbuilding was to be used as a dwelling, a planning application for change of use would be required and tested against the prevailing national and local planning policies at the time. An informative has been included to advise the applicant of this.

Noise

It is generally accepted that most forms of development will result in some noise, particularly during the construction phase. However, this is usually for a relatively short period of time which does not cause an unacceptable or long term impact on the living conditions of neighbouring occupiers. In this case, due to the relatively small scale of the development, there are no objections raised.

Conclusion

The development would be in accordance with the relevant policies in the District Plan, Supplementary Design Guidance, the Emerging Plan and the NPPF.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
PD 03.05.20		Existing Elevations (As Built)	6 July 2020
PD 01.05.20		Existing Floor Plans (As Built)	6 July 2020
PD 02.05.20		Existing Roof Plan (As Built)	6 July 2020
PD 04.05.20	A	Existing Location and Block Plan (As Built)	6 July 2020
PD 10.05.20		Proposed Floor Plans	6 July 2020
PD 11.05.20		Proposed Roof Plan	6 July 2020
PD 12.05.20		Proposed Elevations	6 July 2020
PD 13.05.20	A	Proposed Site and Block Plan	6 July 2020

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 paragraph 38 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. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.

2. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
3. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
4. You are hereby advised that the use of the approved outbuilding as a separate dwelling would require a separate grant of planning permission.

Determined By:

Mr Mark Peacock
28 July 2020