

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

DELEGATED APPLICATION

Application No: 6/2021/0314/FULL
Location: 22 Church Lane Northaw Potters Bar EN6 4NX
Proposal: Erection of a 5 bedroom detached house
Officer: Ms Emily Stainer

Recommendation: Refused

6/2021/0314/FULL

Context	
Site and Application description	<p>The application site comprises a single dwelling (22 Church Lane) and land associated with the property. The site is located on the east side of Church Lane. The rear of the site backs onto Northaw Playing Fields which is owned and operated by Northaw and Cuffley Parish Council.</p> <p>Planning permission is sought for the subdivision of the plot and the erection of a 5 bedroom detached house.</p> <p>Two site visits were made by the case officer 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, additional photographs provided by the applicant and aerial imagery on the council's mapping system from 2020. 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>AAS - Area of Archaeological Significance Area of Archaeological Significance : AAS39 - Distance: 0 GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0 PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0 Wards - Northaw & Cuffley - Distance: 0 A4D - ARTICLE 4 DIRECTION - Distance: 0 HEN - Existing habitat not currently qualifying under S41 NERC Act - Distance: 0 HEN - No known habitats present (high priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0</p>
Relevant planning history	<p>Application Number: S6/1985/0834/OP Decision: Granted Decision Date: 11 April 1986 Proposal: Site for detached house and double garage following demolition of existing bungalow</p> <p>Application Number: S6/1986/0572/DE Decision: Granted</p>

	<p>Decision Date: 21 October 1986 Proposal: Replacement of dwelling house and double garage</p> <p>Application Number: 6/2020/2989/FULL Decision: Withdrawn Decision Date: 22 January 2021 Proposal: Erection of detached five-bedroom dwellinghouse on land adjacent to no.22 Church Lane to include associated hard and soft landscaping, proposed vehicle crossover and ground floor rear terrace</p>		
Consultations			
Neighbour representations	Support: 0	Object: 10	Other: 0
Publicity	Neighbour notification letters		
Summary of neighbour responses	<p>In total, ten neighbour comments have been received. All representations received are published in full on the Council's website and are summarised below:</p> <ul style="list-style-type: none"> • Loss of privacy • Impact on visual amenity and openness of the Green Belt • Disruption during building works • Road/pavement not wide enough to accommodate the dwelling • Insufficient parking arrangement resulting in more vehicles parking on an already constrained road • Loss of a view over fields • Loss of light • Overdevelopment of the site • Does not reflect spacing in street scene • Will not reflect street scene as three storeys in nature, not one or two • Increased traffic density • Misleading and contradictory information about the site access, loss of hedges and flooding areas • 5-bedroom properties are not required in this area • Bin lorries unable to gain access • Impact on rural character and nature of the lane • Lack of consultation with neighbours prior to submitting application • Presence of underground streams which can cause flooding • Additional noise caused by additional traffic • Interior room sizes are inadequate • Future occupiers would have reduced amenity 		
Consultees and responses	<p>Northaw & Cuffley Parish Council – Major Objection - At the Planning Committee meeting held 24th February 2021 the Committee resolved to submit a major objection on the basis of the overdevelopment of the plot, the size of the application when finished would be less than one metre from the adjoining</p>		

	<p>boundary. It was also noted that the application was in a tight part of the road and this would result in significant access issues.</p> <p>HCC Hertfordshire Transport Programmes & Strategy - The submitted tracking drawing has met the requirement of 4.571m vehicle length. However, Church Lane is narrow with vegetation intruding. The accuracy of ordinance survey maps has a degree of accuracy of up to 2m. Considering the narrowness of Church Lane, I would want to see a more accurate drawing. I must again point out the access as shown on drawing 2019/1327/4 at 6.729m is a sub-standard access which we would not build. The maximum width of a domestic vehicle access / vehicle cross over is 5.4m as discussed above. As was previously asked for a detailed vehicle crossover drawing showing a visibility splay has not been provided. The visibility splay must be measured from the back edge of the carriageway (centre of proposed crossover) a minimum of 2m (x distance). Manual for Streets 7.7.6 states: (reasonably built up areas) X distance should be 2.4m in most built up areas can be reduced to 2m in some very lightly trafficked and slow-speed situations. In view of the above the highway authority recommends that the planning application is to be refused on inadequate information to support the proposal.</p> <p>Hertfordshire Ecology – Hertfordshire Environmental Records Centre has no species or habitat data for this site. The proposed location of the building is mostly composed of hard standing with some garden beds of shrubs and hedging. Given its location and character of the site, I do not consider there is any significant ecological constraint to this proposal. However, since shrubs and hedges will need to be removed to accommodate the new building precautions to protect nesting birds should be taken and I advise the inclusion of a precautionary Informative. In addition, the planning system should now aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Simple biodiversity enhancements that could be incorporated into the development proposal include examples such as: integrated bat roost units (bricks and tubes) in buildings, specific nest boxes for Swifts and House sparrows, gaps under fencing to allow free movement of small mammals (e.g. hedgehogs) and amphibians, native tree, shrub and hedgerow planting. Any biodiversity enhancements should be considered at an early stage to avoid potential conflict with any external lighting plans.</p> <p>HCC Historic Environment Advisor – No response.</p> <p>WHBC Public Health and Protection – Recommend planning permission is permitted subject to suggested informatives being included.</p>
--	--

Relevant Policies

- NPPF
- D1 D2 GBSP1 GBSP2 M14
- Supplementary Design Guidance Supplementary Parking Guidance Interim Policy for car parking and garage sizes

Others:

- SD1 Sustainable Development
- R1 Maximising the Use of Previously Developed Land
- R11 Biodiversity and Development
- R19 Noise and Vibration Pollution
- R29 Archaeology

D8 Landscaping
H2 Location of Windfall Residential Development
RA10 Landscape Regions and Character Areas

Draft Local Plan Proposed Submission August 2016:

SP1 Delivering Sustainable Development
SP3 Settlement Strategy and Green Belt Boundaries
SP4 Travel and Transport
SP9 Place Making and High Quality Design
SADM2 Highway Network and Safety
SADM11 Amenity and Layout
SADM12 Parking, Servicing and Refuse
SADM15 Heritage
SADM16 Ecology and Landscape
SADM18 Environmental Pollution
SADM34 Development within the Green Belt

Main Issues

Principle of Development

Policy SD1 of the District Plan, Policy SP1 of the Emerging Local Plan and the NPPF all advocate sustainable patterns of development. Policy R1 states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed; Policy GBSP2 directs new development into the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries. These objectives are consistent with the National Planning Policy Framework (NPPF).

The site has not been allocated for additional housing supply and therefore comes forward as a windfall residential site where District Plan Policy H2 applies. This policy states that all applications for windfall residential development will be assessed for potential and suitability against the following criteria:

- i. The availability of previously-developed sites and/or buildings;
- ii. The location and accessibility of the site to services and facilities by transport modes other than the car;
- iii. The capacity of existing and potential infrastructure to absorb further development;
- iv. The ability to build new communities to support infrastructure and provide demand for services and facilities;
- v. The physical and environmental constraints on development of land.

Policy SADM1 of the Emerging Local Plan is also relevant with regard to windfall housing development. This Policy states that planning permission for residential development on unallocated sites will be granted provided that:

- I. The site is previously developed, or is a small infill site within a town or excluded village. In the Green Belt, Policy SADM34 will apply;
- II. The development will be accessible to a range of services and facilities by transport modes other than the car;
- III. There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;
- IV. Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and

	<p>V. Proposals would not result in disproportionate growth taking into account the position of a settlement with the settle hierarchy.</p> <p>The application site would form part of the residential garden of 22 Church Lane. Gardens in built-up areas are not classed as previously developed land, having lower priority for development, but that does not mean they cannot be built on in any circumstances. Although gardens are not a priority for development, the need to make efficient use of land remains a policy objective. Due to the application site being located in an established residential area, there is no reason to believe that the existing infrastructure would not be able absorb the development. There would also be a benefit (albeit very limited) on nearby services and facilities as the new dwelling has the potential to support and provide demand for nearby services and facilities.</p> <p>With regard to accessibility, the application site is located in the village of Northaw which benefits from a limited number of services including a primary school, a nursery, a church, a pub/restaurant and a village hall. As these facilities are unlikely to be sufficient for day to day services, future occupiers will be likely to visit nearby settlements for additional shops and facilities.</p> <p>Paragraph 103 of the NPPF acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account. Cuffley and Potters Bar are located approximately 3km away, both of which benefit from train stations and shops and services. There are footpaths linking these areas, as well as limited bus services, however the routes are less likely to be used for pedestrians by virtue of their unlit nature and the distances required to travel. As such, it is reasonable to consider future occupiers will be more reliant on the use of a private motor vehicle. Whilst this is acknowledged, it is necessary to take a more realistic approach to sites that are already in rural areas. In this case as a cycle storage facility has been provided on site to encourage alternative modes of travel to the private car, and given the proposal would introduce only one additional dwelling, on balance this element is considered to be acceptable.</p> <p>The physical and environmental constraints of the development of the land are assessed in the following sections of this report.</p>
<p>Green Belt</p>	<p>The site is located within the Metropolitan Green Belt as defined by Local Plan Policy GBSP1. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In the Green Belt, inappropriate development is, by definition, harmful and should not be approved except in very special circumstances.</p> <p><u>Appropriateness</u></p> <p>Paragraph 145 of the NPPF outlines that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, although there are some exceptions. Paragraph 145(e) provides an exception for dwellings which would be limited infilling in a village.</p> <p>Northaw is defined as a ‘Rural Village’ in the District Plan. Policy RA2 of the District Plan states that development in Green Belt settlements will only be permitted to accommodate the specific needs of the settlement and the</p>

surrounding local rural area for housing, employment, local facilities, services and leisure. Northaw is also identified as a 'Green Belt village' within the settlement hierarchy of Emerging Policy SP3. In addition, this policy states that further development of these settlements should be considered against other Green Belt policies to assess the acceptability of the proposed development.

Emerging Policy SADM34 covers all forms of development within the Green Belt. As a consequence of the nature of the proposed development it is considered that the proposal should be considered against requirements and restrictions of infill development. Policy SADM34 states as follows:

Limited infill development will be permitted in villages within the Green Belt provided:

- i. It is within a continuous built up frontage
- ii. It does not extend the existing 'built up' area of the village into the open countryside;
- iii. It would not result in the loss of a view or vista which makes a significant contribution to the character of the settlement; and
- iv. It is small scale and would not result in the provision of more than four dwellings (net)

Church Lane is a residential road. The plot sizes on the road vary substantially and the dwellings also differ in scale and architectural design, therefore there is not a uniform pattern to the character of the area surrounding the application site. A small portion of Church Lane is located within a Conservation Area, however the application site sits outside of this area. Whilst the properties on the road diverge in design, the majority of the houses are oriented with their principal elevation facing the road and are set back from the frontage. The proposed dwelling would replicate this arrangement and would maintain a similar front building line to the dwellings either side of it (22 Church Lane which would be retained and 26 Church Lane to the south). As such, the property is considered to be within a continuous built up frontage and complies with criteria i) above.

The proposed development would involve the sub-division of an existing residential plot, therefore it would not extend the existing 'built up' area of the village into the open countryside and would comply with criteria ii) of policy SADM34.

Whilst the dwelling would infill a space which would prevent views being obtained of the recreation ground to the rear, in the context of the existing properties on the east side of Church Lane this is not considered to result in a loss of a view or vista which makes a significant contribution to the character of Northaw. The proposal is thus in accordance with criteria iii) above.

Finally, the development would consist of one dwelling, therefore it would accord with criteria iv) of policy SADM34 as it would result in less than four dwellings in total.

For the above reasons, it is considered the proposed dwelling would constitute limited infilling development in a village. As this is in line with exception 145(e) of the NPPF, the proposal is deemed to be appropriate development in the Green Belt.

	<p><u><i>Openness and Purposes of Including Land in the Green Belt</i></u></p> <p>As the proposal falls within one of the listed exceptions in the NPPF, it is appropriate development in the Green Belt. The Courts have held that appropriate development is not harmful to Green Belt openness or the purposes of including land within it. Consequently no discussion of this has been made in respect of the new dwelling.</p> <p><u><i>Conclusion</i></u></p> <p>The proposal would fall within the limitations of paragraph 145(e) of the NPPF and SADM34 of the Council's Emerging Local Plan and is not inappropriate development within the Green Belt.</p> <p>It is acknowledged that some neighbour comments have discussed historic applications on the road which were refused in the past on the grounds of the Green Belt. It is important to note that extensions to existing properties and replacement dwellings are assessed under separate exceptions in the NPPF to the proposed development, therefore the same requirements do not apply in this scenario.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the street scene)</p>	<p>District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with the Council's Emerging Local Plan and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.</p> <p>The properties on Church Lane are varied in architectural design and size, with some positioned in narrow plots and others that are positioned more centrally in a larger, wider plot. The existing dwelling on the application site (22 Church Lane) forms part of a ribbon of other detached single dwellings which are either bungalows or two storeys in height. The plot size of 22 Church Lane is one of the larger sized plots on the road, therefore it can accommodate being subdivided. Due to the different land levels on the road and varied designs, the building heights fluctuate but they all respect the sloped nature of the road.</p> <p>The proposed dwelling would be two storey in nature, however it would also incorporate an additional bedroom in the loft space. The property would extend back into the plot which is not dissimilar to the style of other properties in the vicinity which are located on narrower plots. The dwelling would be finished with a simple gable roof design and a pitched roof front porch. Two porthole style round windows would be located on the front and rear elevation of the dwelling, as well as three side facing rooflights which would serve the bedroom in the roof space.</p> <p>The Council's SDG states that a minimum distance of 1m between the flank wall of a property and the adjoining flank boundary must be maintained for all multi-storey, two storey and first floor side extensions. Although the Council's SDG does not make specific reference to distances between new dwellings, it</p>

	<p>gives an indication that a minimum distance of 1 metre between the flank wall of a property and the adjoining flank boundary is considered to be acceptable. There are similar examples on the road of properties that are located with a similar distance to one another, for example at 6 and 8, 32 and 34 and 35 and 37 Church Lane. The proposed spacing distances between the proposed dwelling and shared boundaries with existing neighbours would accord with the 1m guidance in the Council's SDG.</p> <p>Due to the varied sizes of residential plots and houses on Church Lane, the development would also be in accordance with the built development to plot ratio and footprint of other dwellings on the road. The submitted elevations also demonstrate that the dwelling would have a ridgeline that is lower than 22 Church Lane, which will offer an appropriate transition between the dwellings as the topography of the land changes. It is therefore considered that the proposed dwelling would be in accordance with the character and appearance of the surrounding area.</p> <p>The proposed materials are described as part brick, part render on the application form. However, details of other materials are limited. Whilst render and brick is acceptable in principle, it would be reasonable in the event of permission being granted to add a planning condition for materials samples prior to the works starting.</p> <p>Subject to the suggested condition it is therefore considered that the proposed dwelling would be in keeping with the mixed design of the area and the surrounding dwellings and would not detract from or be at variance to the local character. The development would therefore accord with aims and objectives of Policies D1 and D2 of the District Plan 2005, the SDG 2005, SP9 of the Emerging Local Plan 2016 and the NPPF.</p>
<p>Impact on neighbours</p>	<p>Policies D1, R19 and the Supplementary Design Guidance aim to preserve neighbouring amenity. In addition, the NPPF seeks to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings. Ten comments have been received from neighbours.</p> <p><u><i>Amenity of Neighbouring Occupiers</i></u></p> <p>Due to the siting of the proposed new dwelling, the properties which are most likely to be directly impacted by the proposal are 22 Church Lane to the north, 26 Church Lane to the South and 21 Church Lane opposite.</p> <p>Due to the proximity of the proposed dwelling to 22 Church Lane, this property is the most likely to be affected by the additional built form. The submitted drawings demonstrate that the side windows which face in a southerly direction all currently serve non-habitable rooms (e.g. stairway and bathrooms) or secondary windows to habitable rooms (e.g. bedrooms, lounge and living/dining area). The plans also suggest these are currently obscure glazed. Therefore, whilst the flank wall of the proposed dwelling will be more visible from these windows, the habitable rooms would still be afforded a reasonable outlook and amount of light by virtue of the rear and front facing windows. Furthermore, there would still be approximately 2m distance retained between the flank walls of the two dwellings. In terms of overlooking, the rear building line of the new dwelling would not project any further than the rear line of the 22 Church Lane and would result in an acceptable relationship that is expected between neighbouring properties in a residential area. The submitted details</p>

demonstrate 2m high closed boarded boundary fences would be in place on the side and rear boundaries marked 'A' which would help protect privacy between the two dwellings.

26 Church Lane lies to the south of the proposed dwelling. There is currently a gated access drive to 28 Church Lane which separates the application site and 26 Church Lane. This access is of an appropriate width to mitigate against harm from the built form of the new dwelling. Historic planning records have been consulted and the north facing side windows at 26 Church Lane also appear to be serving the staircases to the property, therefore the dwelling would not have a detrimental impact upon the outlook as these windows do not serve habitable rooms. A rooflight is also present in the roof slope of 26 Church Lane. The historic records for the property indicate that this would not serve a habitable room either, and given the separation distances between the two dwellings the new dwelling would not give way to an unacceptable loss of light to this window. In terms of privacy, side windows at the proposed dwelling can be conditioned to be obscure glazed and fixed below a particular height to prevent overlooking. Similarly, details of boundary treatments can be conditioned to prevent overlooking from the raised patio at the rear of the property as the submitted drawing does not appear to indicate an 'A' indicating the boundary treatment along this boundary.

21 Church Lane is positioned to the west of the application property, on the opposite side of the road. It is oriented in a different manner to the properties on the east side as the rear garden backs onto the road and the dwelling is set much further back into the plot. For these reasons the proposed development would not be unduly over dominant or result in a loss of light to the habitable windows or garden of 21 Church Lane. The occupiers of this address have raised concerns about a loss of privacy. The proposed dwelling would have habitable windows at first floor and a front window serving the habitable accommodation in the roof space, from which views could be directed towards 21 Church Lane. Whilst it is acknowledged that the property would introduce overlooking in a location where there currently is none, this would not be dissimilar to views that can already be obtained from first floor windows at 22 Church Lane. Furthermore, the front porthole style window would serve a dressing room which is not a habitable room. In the event of permission being granted a condition could be imposed to ensure this window is obscure glazed to prevent overlooking of the garden at 21 Church Lane.

Policy R19 of the District Plan states that proposals will be refused if the development is likely to generate unacceptable noise or vibration for other land uses. This approach is reflected in Policy SADM18 of the Emerging Local Plan. The Council's Public Health and Protection Officer has been consulted on the proposal and has not raised any concerns regarding noise at this site.

Amenity of Future Occupiers

Policy SADM11 of the Emerging Local Plan, Policies H4 and D1 and the Supplementary Design Guidance requires all residential development to incorporate private amenity space for the use of residents. The Council does not apply rigid standard sizes but space should be functional and usable in terms of its orientation, width, depth and shape. The proposed dwelling would benefit from an adequately sized outdoor garden in line with local and national planning policy.

	<p>An acceptable separation distance between the dwellings will be obtained to achieve an acceptable outlook and level of light to habitable rooms. Obscure glazed and fixed windows on the side elevations of the proposed dwelling will be secured by way of planning condition to prevent overlooking to neighbouring occupiers and future occupiers of the proposed scheme. This is acceptable as the windows are either serving non-habitable rooms or are secondary windows to habitable rooms.</p> <p>A neighbour comment has raised concerns about the level of amenity that would be afforded to the future occupiers of the proposed dwelling, partly due to inadequate internal room sizes. The Technical Housing Standards – Nationally Described Space Standards document (March 2015) suggests that a five-bedroom, two storey dwelling should have a minimum floor area of 128sqm and a five-bedroom, three storey dwelling should have a minimum floor area of 134sqm. The submitted plans indicate that all bedrooms would benefit from double beds. Subsequently, as the submitted plans indicate that the proposed dwelling would be approximately 250sqm in size internally, the proposal would be in compliance with the minimum floor space standards for a five bedroom dwelling. The proposal would therefore provide satisfactory accommodation for its future occupiers.</p> <p><u>Conclusion</u></p> <p>Subject to the suggested conditions, it is therefore considered that the living conditions of the adjoining occupiers will be maintained to an acceptable level and would result in an acceptable level of amenity for future occupiers of the development, in accordance Policy D1 Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005.</p>
<p>Access, car parking and highway considerations</p>	<p>Paragraph 109 of the NPPF states that <i>“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”</i>. Policy D5 of the Welwyn Hatfield District Plan 2005 requires all new development to make provision for pedestrian, cyclist and passenger transport facilities. Parking and traffic management provision must be included in new development.</p> <p>Saved policy M14 of the District Plan and the Parking Standards SPG use maximum standards which are not consistent with the NPPF and are therefore afforded less weight. As a consequence of the requirements within the NPPF, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.</p> <p>Church Lane is a 30mph unclassified road which is maintainable by the Highway Authority and provides a local access function in the road hierarchy. There has been one recorded accident near the site in a rolling 5-year period. It was observed on site that at numerous points on the road the width is not sufficient to allow two cars to pass one another. A number of the neighbour comments highlight existing concerns about excess parking on a constrained road and the narrow width of the road near to the application site.</p> <p>The application form states that a new access will not be required, however the plans indicate that there would be a vehicular access. With regard to on-</p>

	<p>site parking provision, the proposal would accord with the Council's Parking Standards SPG which states that three parking spaces should be provided for residential properties which consist of four or more bedrooms. Three parking spaces have been shown on the frontage of the site, which would meet the size standards within the interim policy document for car parking and garage sizes. Whilst this is acceptable in principle, the cars must be able to adequately manoeuvre in and out of the site in order to be useable parking spaces.</p> <p>The County Highway Authority has a duty to consider the movement of all road users. The Highway Authority objected to the proposal on the grounds of inadequate information being submitted to ensure adequate visibility would be obtained for vehicles exiting and entering the new dwelling. The parking layout originally indicated tracking for 3 parked vehicles but some of the tracked lines were highlighted to be over running and the angles shown were not thought to be possible due to the narrow width of the road (approx. 5m) and height of the mature hedge along the boundary. A detailed drawing of the vehicular crossover and a visibility splay was therefore requested by the Highway Authority.</p> <p>The applicant submitted amended details including a swept path analysis on two further occasions to attempt to address these concerns, however an objection has still been raised by the Highway Authority due to inadequate information to satisfy the proposal on highway safety. In view of the above, the highway authority recommends that the planning application should be refused due to inadequate information to support the proposal.</p> <p>A cycle storage facility is also shown on the proposed plans, which would be secure and designed to be waterproof. This does not however overcome the harm identified above.</p> <p>As a result of the above, it is considered that insufficient information has been provided to make an assessment as to whether the proposed development would be appropriate in highway safety terms. It is therefore judged that the proposed development fails to demonstrate that a safe and suitable access to the site can be achieved for all users contrary to Policies D1 and D5 of the Welwyn Hatfield District Plan 2005, Policy SADM2 of the emerging Draft Local Plan Proposed Submission August 2016 and the NPPF.</p>
<p>Landscaping Issues</p>	<p>District Plan Policy R17 seeks to protect existing trees whilst Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 would again be relevant. Landscaping is important in order to protect and enhance the existing character of the area and to reduce the visual and environmental impacts of the development.</p> <p>The site is within Northaw Common Parkland Landscape Character Area where Policy RA10 applies. The strategy for managing change to this Landscape Character Area (LCA) is to conserve and strengthen. By virtue of the small scale of the proposed development in an established residential area, it is considered that although the proposal would not contribute to the Landscape Character Area, it is not considered it would conflict with its aims as it would not have an adverse impact upon the LCA.</p> <p>Other than the existing boundary hedge at the front being lowered and the</p>

	<p>proposed boundary fence drawings, details of landscaping are limited. Further information would be required in the event of permission being granted to ensure that the materials and planting used within these landscaping features are acceptable. As a consequence, it is considered reasonable and appropriate to impose a condition on any approval requiring that a more landscaping plan be submitted and approved by the Council.</p>
<p>Ecology and Biodiversity</p>	<p>Paragraph 170 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in bio diversity where possible. Paragraph 175 of the NPPF goes on to listed principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 175(d) of the NPPF that <i>“opportunities to incorporate biodiversity improvements in and around developments should be encouraged”</i>.</p> <p>District Plan Policy R11 aims to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of bio diversity. This is similar to the aims of Policy SADM16 in the Emerging Local Plan.</p> <p>Hertfordshire Ecology were consulted on this proposal and presented no objections given the location and character of the site. However, since shrubs and hedges will need to be removed to accommodate the new building a precautionary informative was suggested to protect nesting birds. In addition, as the planning system should now aim to deliver overall net gains for biodiversity where possible, biodiversity enhancements such as bat/bird/insect boxes are recommended. This can be conditioned as part of a landscaping condition in the event of permission being granted. Subject to the suggested conditions, it is considered that the proposal satisfies the requirements of the District Plan and the NPPF in respect of Ecology.</p>
<p>Other Considerations</p>	<p><u>Flooding</u></p> <p>A neighbour comment has outlined concerns relating to the likelihood of flooding in the vicinity of the application property. The Environment Agency’s (EA) website has been consulted where it was found that the application site was in Flood Zone 1, an area with a low probability of flooding. The guidance on the website states that a flood risk assessment is not required if the development is smaller than 1 hectare and is not affected by other sources of flooding. The application site is not known to the Local Authority to be located in an area which has critical drainage concerns, therefore, as the site area is smaller than 1 hectare, there are no objections raised in this regard.</p> <p><u>Archaeology</u></p> <p>The application property is located in Area of Archaeological Significance 39. The County Historic Environment team have not responded to the consultation as part of this application, however it is noted that the following comments were submitted under the previous application which was withdrawn earlier in the year (6/2020/2989):</p> <p><i>“In this instance we consider that the development is unlikely to have a significant impact on heritage assets with archaeological interest. We therefore have no comment to make upon the proposal.</i></p> <p>As the proposal is still for a single dwelling, it is considered that these</p>

	<p>comments are still relevant. As such no objections are raised regarding policy R29 of the District Plan, policy SADM15 of the Emerging Local Plan 2016 or the NPPF.</p> <p><u><i>Refuse and Recycling</i></u></p> <p>The new dwelling would benefit from bin stores to the front of the dwelling. Given the small scale of the proposed development, it is not necessary for a planning condition requiring details of a bin storage area as the number of bins on the frontage would be consistent with those for a single dwelling.</p> <p><u><i>Consultation Process</i></u></p> <p>The occupier of 25 Church Lane has commented about not being consulted on the proposal. The neighbours that were notified of the development were consulted for 21 days in accordance with the requirements within Part 3, Article 15 of The Development Management Procedure Order 2015 (as amended) and the Council's local publicity and consultation guidance. The local publicity and consultation procedure states that in addition to the national requirements, properties across a road or an alley/access way will be consulted as if a common boundary exists. As a consequence, it is considered that the Council has consulted neighbours in accordance with the relevant procedures at a national and local level.</p>
<p>Planning Balance</p>	<p>Policy SD1 of the District Plan and Policy SP1 of the Draft Local Plan require that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and they accord with the objectives and policies of the Development Plan.</p> <p>At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF outlines, in its introduction, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. Of particular relevance to this application is an economic role, among others, to ensure land is available in the right places to support growth; a social role to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; as well as an environmental role which includes protecting and enhancing the environment. The NPPF does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas.</p> <p>The Council's position in respect of housing land supply is acknowledged. "The Government published the housing delivery test results on 19 January 2021. It confirmed that Welwyn Hatfield had built 1,450 homes in the period 2017/18-2019/20 against a target of 2,284. This equates to 63%. Because supply has fallen below 75%, the Council needs to apply the presumption in favour of sustainable development when determining planning applications, which means granting planning permission unless there are clear reasons for refusal."</p> <p>Paragraph 11(d) of the NPPF states that where the policies which are most important for determining the application are out-of-date permission should be granted unless:</p>

	<p>(i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason of refusing the development proposed; or</p> <p>(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.</p> <p>The proposed development would deliver one additional dwelling in a Borough where a shortfall in housing has been identified. Short term economic benefits would also arise from the construction of the development and future spending of residents on local facilities and services (albeit very limited).</p> <p>Environmentally, the proposal would utilise existing residential land and this is a limited benefit which counts in its favour.</p> <p>Nonetheless, due to the rural location of the proposed development which is limited in terms of access to services and facilities by means other than the private motor car, it is imperative that the proposed development delivers an appropriate number of parking spaces on site which are realistic, achievable and do not impact negatively upon highway safety.</p> <p>As discussed above, inadequate information has been submitted to satisfy the proposal on highway safety and the County Highway Authority recommend that the application is refused. It is therefore judged that the proposed development fails to demonstrate that a safe and suitable access to the site can be achieved for all users. Significant weight is attached to the harm which would arise to highway safety for both future occupiers of the site and other road users.</p>
Conclusion	
The proposal would be in conflict with the relevant national and local planning policies.	

Reasons for Refusal:

1. Inadequate information has been submitted to ensure that the proposed development would allow a safe and suitable means of access to the proposed dwelling. It is therefore judged that the proposed development fails to demonstrate that a safe and suitable access to the site can be achieved for all users contrary to Policies D1 and D5 of the Welwyn Hatfield District Plan 2005; Policy SADM2 of the Draft Local Plan Proposed Submission 2016; and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
2019/1327/ 1		Existing Plans & Elevations	2 February 2021
2019/1327/ 2		Existing Block & Location Plan	2 February 2021

2019/1327/
3

Proposed Plans & Elevations 2 February 2021

2019/1327/
4

Proposed Block & Location
Plan 6 May 2021

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).

Determined By:

Mr Mark Peacock
14 June 2021