

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

DELEGATED APPLICATION

Application No: 6/2022/0126/HOUSE
Location: 41 The Ridgeway Cuffley Potters Bar EN6 4BD
Proposal: Dropped kerb to front of the property to create a carriage driveway.
Officer: Ms Elizabeth Mugova

Recommendation: Granted

6/2022/0126/HOUSE

Context			
Site and Application description	<p>The application site comprises a two storey detached dwellinghouse built on a generous plot within the Metropolitan Green Belt. The dwelling is set well-back from the pavement edge and there is a mature oak tree within the site frontage</p> <p>Planning permission is sought for an additional vehicle crossing to create a carriageway drive.</p>		
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0 PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 76.26 Wards - Northaw & Cuffley - Distance: 0 A4D - ARTICLE 4 DIRECTION - Distance: 76.26</p>		
Relevant planning history	<p>Application Number: 6/2020/3275/HOUSE Decision: Granted Decision Date: 01 February 2021 Proposal: Erection of a two storey side extension</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Neighbour letters		
Summary of neighbour responses	No representations received		
Consultees and responses	<p>HCC – Highways No objection subject to a condition and informatives</p> <p>WHBC - Landscapes Team No objection subject to a condition</p>		
Relevant Policies			
<input checked="" type="checkbox"/> NPPF			

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

Main Issues

<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>The site is located within the Green Belt however, given the nature of the proposal it would neither increase the footprint nor the floor area of the original dwelling. Therefore, the proposal is considered to be appropriate development within the Green Belt.</p> <p>The property frontage is comfortably big enough to accommodate a carriageway drive. This will allow vehicles to enter and leave the property in a forward gear which will potentially be beneficial to highway safety on a main road. As such, the proposal would not appear harmful to the character and appearance of the area.</p>
<p>Access, car parking and highway considerations</p>	<p>The Highways Team have been consulted for this application and present no objection subject to a surface water drainage condition and informatives.</p> <p>According to the Hertfordshire County Council's Dropped Kerb Terms and Conditions document, each of the two vehicle crossings for a carriageway drive should consist of a maximum of 3 flat kerbs (2.7m). It has been noted that the proposed accesses are shown on the Block Plan at 5m although it is not clear whether these dimensions include the dropper kerbs or not. The applicant should ensure that the proposed vehicle crossings meet these criteria and that the driveway aligns with them.</p> <p>The Block Plan shows 2m x 2m footway visibility splays, which are acceptable. If these are not entirely achievable within the width of the highway verge then they may need to extend slightly inside the property boundary.</p> <p>The Proposed Block Plan states that the proposed driveway will be finished with shingle. An informative has been included which recommends that measures must be taken to prevent shingle from spilling onto the highway verge, footway or carriageway.</p>
<p>Any other considerations</p>	<p>Landscaping</p> <p>There is a mature protected oak tree (TPO 528) adjacent to the dropped kerb. However, it should be possible to construct the drive without damaging the tree. A condition is recommended to ensure that the tree is not damaged during the construction of the drive.</p>

Conclusion

Subject to the suggested conditions, it is considered that the proposed development would be in accordance with the National Planning Policy Framework; the Welwyn Hatfield District Plan 2005 and the requirements of the Supplementary Design Guidance.

Conditions:

1. No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The

development shall not be carried out other than in accordance with the approved details.

The Arboricultural Method Statement shall include details of the existing mature oak tree to be retained and tree protection measures to be implemented for the duration of the construction

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Statement.

2. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) Policy SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework.

DRAWING NUMBERS

3. 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
		Proposed block plan	17 February 2022
NNt/van1a		Site plan	26 January 2022
		Site location plan	26 January 2022
		Existing block plan	7 February 2022

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. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
3. Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
4. Where loose gravel or shingle is used, a suitable measure to prevent material spilling onto the road/footpath/verge must be installed. It is an offence under section 148 of the Highways Act 1980 to deposit debris onto the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Further information is available by telephoning 0300 1234047.
5. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
6. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.

7. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Determined By:

Mr Derek Lawrence
6 April 2022