

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

**DELEGATED APPLICATION**

**Application No:** 6/2022/1610/HOUSE  
**Location:** 53 High Road Essendon Hatfield Hertfordshire AL9 6HS  
**Proposal:** Extension of dropped kerb  
**Officer:** Ms Ashley Ransome

**Recommendation:** Refused

6/2022/1610/HOUSE

<b>Context</b>	
<b>Site and Application description</b>	<p>The application site comprises a semi-detached property, located within the Essendon Conservation Area.</p> <p>The proposal involves the extension of the existing dropped kerb to increase the size of the driveway.</p> <p>It should be noted that this application follows an application under reference 6/2021/2816/HOUSE for a similar proposal which was refused for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed development would not preserve or enhance the character and appearance of the surrounding street scene or the Conservation Area, as per Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would result in some 'less than substantial' harm to the significance of the Conservation Area and the proposal would not pose any public benefits to outweigh the harm identified. Accordingly, the proposed development represents a poor standard of design and is therefore contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policies SP9 and SADM15 of the Welwyn Hatfield Draft Local Plan 2016, the Welwyn Hatfield Supplementary Design Guidance 2005 and the National Planning Policy Framework 2021.</li> </ol> <p>This application therefore seeks to overcome the previous reasons for refusal.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>CA - Conservation Area: ESSN; - Distance: 0  AAS - Area of Archaeological Significance Area of Archaeological Significance : AAS18 - Distance: 0  GB - Greenbelt - Distance: 0  LCA - Landscape Character Area (Little Berkhamsted Settled Plateau) - Distance: 0  PAR - PARISH (ESSENDON) - Distance: 0  Wards - Brookmans Park &amp; Little Heath - Distance: 0</p>
<b>Relevant planning history</b>	<p>Application Number: S6/2003/0452/FP  Decision: Granted  Decision Date: 03 July 2003  Proposal: Erection of replacement garage</p>

	<p>Application Number: 6/2018/1997/LAWP  Decision: Granted  Decision Date: 21 November 2018  Proposal: Certificate of lawfulness for the formation of a hardstanding which utilises the existing access and dropped kerb</p> <p>Application Number: 6/2021/2816/HOUSE  Decision: Refused  Decision Date: 24 January 2022  Proposal: Extension of existing dropped curb</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 1
<b>Publicity</b>	Site Notice Display Date: 18 August 2022 Site Notice Expiry Date: 9 September 2022 Neighbour Letters		
<b>Summary of neighbour responses</b>	53 High Road Essendon Hatfield AL9 6HS (Applicant) <ul style="list-style-type: none"> <li>• Please note that the sole purpose of this application is purely for safety reasons and in order to allow the vendor enough room to safely manoeuvre their vehicle so that they are able to exit the driveway in a safe forward facing position!</li> <li>• This is a one car household, additional cars will not be using the driveway.</li> <li>• The objection regarding the aesthetics has been addressed in this application whereby the vendor has agreed to reduce the hedge slightly in length or replace it with a picket fence rather than remove it in order for it to be in keeping with the village.</li> <li>• The vendor has been advised by the highways that the dropped kerb can be extended, the objections are around the aesthetics which have now been compromised and addressed.</li> </ul>		
<b>Consultees and responses</b>	Hertfordshire County Council - Historic Environment Advisor- No response received.  Joint Committee of the National Amenity Societies – No response received.  Essendon Parish Council- Strongly objects to this new planning application.  Hertfordshire County Council - Hertfordshire Transport Programmes & Strategy- The highway authority recommends that this application is refused in the interest of highway safety and because it does not comply with HCC's dropped kerb terms and conditions.  Place Services - Conservation Officer- The loss of the hedge and boundary wall would result in some 'less than substantial' harm to the significance of the Conservation Area and the proposal would not pose any public benefits to outweigh the harm identified.		
<b>Relevant Policies</b>			
<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 checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes			

Others: R17, R29, D8

Draft Local Plan Proposed Submission August 2016:

SP1- Delivering Sustainable Development  
SP9- Place Making and High Quality Design  
SADM11- Amenity and Layout  
SADM12- Parking, Servicing and Refuse  
SADM15- Heritage

**Main Issues**

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

The development is located within the Essendon Conservation Area. It should be noted that Section 72 of the Listed Buildings and Conservations Areas Act (1990) states that 'special attention shall be paid to the desirability of preserving or enhancing the character or the appearance of that area'. Section 16 of the NPPF 'Conserving and enhancing the historic environment' is broadly consistent with Policy SADM15 'Heritage' of the Emerging Local Plan.

The National Planning Policy Framework 2021 (NPPF 2021) has a strong emphasis on good quality design than its predecessor. Paragraph 126 clearly advises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 130 of the NPPF further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place. Paragraph 134 is clear that "development that is not well designed should be refused, especially where it fails to reflect local design policies."

Policy GBSP2 of the Welwyn Hatfield District Plan 2005 states that development within the specified settlements will be limited to that which is compatible with the maintenance and enhancement of their character. Policy D1 requires the standard of design in all new development to be of a high quality and Policy D2 requires all new development to respect and relate to the character and context of the area in which it is proposed. The above objectives are broadly consistent with Policies SP1 and SP9 of the Council's Emerging Local Plan 2016. The Welwyn Hatfield District Plan Supplementary Design Guidance (SDG) supplements the policies contained in the District Plan.

Whilst it is acknowledged that some amendments have been made since the previously refused application, it is still considered that the loss of the hedge and boundary wall would result in some 'less than substantial' harm to the significance of the Conservation Area and the proposal would not pose any public benefits to outweigh the harm identified.

The Conservation Officer notes that "It was suggested previously that if a greater extent of the hedge were to be retained and meaningful replacement planting proposed within the front garden space then the concerns may be addressed. However, the proposed site plan is annotated stating that either the hedge will be reduced to accommodate the 5 metre dropped kerb or it will be replaced with a picket fence. Neither option address the concern regarding the loss of greenery."

As a consequence of the above, it is considered that the proposed development would not preserve or enhance the character and appearance of the surrounding street scene or the Conservation Area, as per Section 72 (1)

	<p>of the Planning (Listed Buildings and Conservation Areas) Act 1990. Accordingly, it is considered that the proposed development represents a poor standard of design and is therefore contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policies SP9 and SADM15 of the Welwyn Hatfield Draft Local Plan 2016, the Welwyn Hatfield Supplementary Design Guidance 2005 and the National Planning Policy Framework 2021.</p>
<b>Impact on neighbours</b>	<p>The impact of the proposed development on the residential amenity of neighbouring dwellings is considered in terms of the impact on neighbouring properties access to day/sun/sky light, privacy, overbearing and overshadowing. Policy D1 of the District Plan seeks to provide a good standard of design in all new development. The Council's SPD on design supplements Policy D1 outlining that residential applications for extensions and alterations should not cause loss of light or be unduly dominant from adjoining properties, as a result of either the depth of the projection, the height or proximity of the extension.</p> <p>Given the nature of the proposed development, it is considered that there would be no adverse harm upon the amenity of neighbouring occupiers and is considered acceptable and is in accordance with Policy D1 of the Welwyn Hatfield District Plan, Policy SADM11 of the Welwyn Hatfield Draft Local Plan 2016, the Welwyn Hatfield Supplementary Design Guidance 2005 and the National Planning Policy Framework 2021.</p>
<b>Access, car parking and highway considerations</b>	<p>The Highway Authority object to the application because the existing dropped kerb is already the maximum size permitted by Hertfordshire County Council's (HCC) dropped kerb terms and conditions. It is also considered by the Highway Authority that an extension of the dropped kerb would likely encourage drivers to reverse onto highway which is not permitted on a classified road in the interest of highway safety.</p> <p>The highway authority therefore objects to this application in the interest of highway safety and because it does not comply with HCC's dropped kerb terms and conditions.</p> <p>With regards to parking, the proposed development will increase the provision of off-street parking for the application site. However, this does not mitigate the harmful impact the proposal has upon the character and appearance of the Conservation Area.</p>
<b>Conclusion</b>	
<p>For the reasons set out above, the proposed development does not accord with the relevant policies, thus is not acceptable in terms of the impact upon the character and appearance of the Essendon Conservation Area and in the interests of highway safety. It is therefore recommended that planning permission is refused.</p>	

**Reasons for Refusal:**

1. The proposed development would not preserve or enhance the character and appearance of the surrounding street scene or the Conservation Area, as per Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would result in some 'less than substantial' harm to the significance of the Conservation Area and the proposal would not pose any public benefits to outweigh the harm identified. Accordingly, the proposed development represents a

poor standard of design and is therefore contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policies SP9 and SADM15 of the Welwyn Hatfield Draft Local Plan 2016, the Welwyn Hatfield Supplementary Design Guidance 2005 and the National Planning Policy Framework.

2. The proposal would not comply with Hertfordshire County Council's dropped kerb terms and conditions and in the interests of highway safety of the adjoining highway network contrary with Policy D1, D5 and M5 of the Welwyn Hatfield District Plan; Policies SP4, SP9, SADM2, SADM3, SADM11 and SADM12 of the Draft Local Plan Proposed Submission 2016; Hertfordshire County Council's Local Transport Plan 4 (2018); Roads in Hertfordshire Design Guide; and the National Planning Policy Framework.

#### REFUSED DRAWING NUMBERS

3.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
		Existing site plan	7 July 2022
		Site Location Plan	15 August 2022
		Proposed site plan	7 July 2022

#### 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  
20 September 2022