

**WELWYN HATFIELD BOROUGH COUNCIL
ASSISTANT DIRECTOR (PLANNING)**

DELEGATED APPLICATION

Application No: 6/2022/2714/HOUSE
Location: 10 Park Street Hatfield AL9 5AX
Proposal: Erection of outbuilding in rear garden
Officer: Ms Elizabeth Mugova

Recommendation: Granted

6/2022/2714/HOUSE

Context	
Site and Application description	<p>The application property is a two-storey end-of-terrace house on Park Street in Old Hatfield. The host property is Listed Grade II and in a terrace of four other listed two-storey buildings. The site is in the Old Hatfield Conservation Area.</p> <p>Planning permission is sought for the erection of an outbuilding in the rear garden. The outbuilding will comprise of a single room with a small WC and would provide additional space for home working.</p> <p>This application was called-in by Councillor Caron Juggins. However, the chairman for Development Management Committee concluded that there is no clear justification under the Council's constitution for a call-in request and some of the comments do not relate to planning.</p>
Constraints (as defined within WHDP 2005)	<p>CA - Conservation Area: HATF; - Distance: 0</p> <p>LBC - LISTED BUILDING Large house of early C18. Now house and office. - Distance: 34.57</p> <p>LBC - LISTED BUILDING House. C17 and earlier timber frame, 1 bay wide. - Distance: 40.54</p> <p>LBC - LISTED BUILDING House (formerly a pair known as Nos 15 and 17). - Distance: 42.47</p> <p>LBC - LISTED BUILDING Terrace of houses. C18 red brick casing, prob. - Distance: 0</p> <p>LBC - LISTED BUILDING Also included 15/196. - Distance: 8.29</p> <p>LBC - LISTED BUILDING House pair, left one now part of public house. - Distance: 15.14</p> <p>LBC - LISTED BUILDING Formerly the Rose & Crown Inn. Prob C15. Timber - Distance: 18.75</p> <p>LBC - LISTED BUILDING House and shop. Prob C17 timber frame. Late C19 - Distance: 24.51</p> <p>LBC - LISTED BUILDING House. Early C19 red brick front to earlier - Distance: 31.21</p> <p>LBC - LISTED BUILDING House. Late C18 or early C19 red brick front. - Distance: 41.44</p> <p>LBC - LISTED BUILDING Houses and shop. C17 timbr frame. Long range - Distance: 7.2</p> <p>LBC - LISTED BUILDING House. C15 probable origin. A timber framed hall - Distance: 9.55</p> <p>LBC - LISTED BUILDING Public House. C18 red brick casing, painted. C17 - Distance: 40.08</p>

	<p>LBC - NULL Signpost on pavement in front of 2 Park Street, Old Hatfield - Distance: 21.27 AAS - Area of Archaeological Significance Area of Archaeological Significance : AAS17 - Distance: 0 SAG - 0 - Distance: 0 PAR - PARISH (HATFIELD) - Distance: 0 ROW - FOOTPATH (HATFIELD 010) - Distance: 42.4 ROW - FOOTPATH (HATFIELD 007) - Distance: 43.98 Wards - Hatfield East - Distance: 0 A4HD - Article 4 HMO Direction - Distance: 0 CP - Cycle Path (National Cycle Network) - Distance: 3.15 CP - Cycle Path (Leisure Route) - Distance: 3.15 CP - Cycle Path (Cycle Facility / Route) - Distance: 3.15 HHAA - Hatfield Heritage Assessment Area(Old Hatfield Historic Core CA) - Distance: 0</p>
<p>Relevant planning history</p>	<p>Application Number: 6/2022/2715/LB Decision: Granted Decision Date: 27 January 2023 Proposal: Erection of outbuilding in rear garden</p> <p>Application Number: S6/1995/0054/FP Decision: Granted Decision Date: 12 April 1995 Proposal: Change of use from estate agent to residential with alteration to front, and formation of 2 rear roof lights to attic</p> <p>Application Number: S6/1995/0055/LB Decision: Granted Decision Date: 12 April 1995 Proposal: Internal and external alterations including installation of two rear roof lights.</p> <p>Application Number: S6/1997/0205/LB Decision: Granted Decision Date: 09 May 1997 Proposal: Demolition of existing outbuilding in rear garden</p> <p>Application Number: S6/1997/0908/FP Decision: Granted Decision Date: 08 December 1997 Proposal: Erection of boundary wall</p> <p>Application Number: S6/2010/0534/LB Decision: Granted Decision Date: 29 June 2010 Proposal: Removal of rear single door and replace with window. Enlargement downwards of lower floor window at rear of property, to be the same size as the upstairs windows</p> <p>Application Number: S6/2012/1106/LB Decision: Granted Decision Date: 16 July 2012 Proposal: Re-pointing of front elevation, using traditional lime based mortar</p>

	<p>Application Number: S6/2013/0892/LB Decision: Granted Decision Date: 26 June 2013 Proposal: Replacement of front door and repainting of external door</p> <p>Application Number: 6/2016/0123/LB Decision: Refused Decision Date: 19 May 2016 Proposal: Replacement of existing windows with 6 identical double-glazed timber windows at the front and side of the property</p>		
Consultations			
Neighbour representations	Support: 0	Object: 3	Other: 0
Publicity	Site Notice Display Date: 21 December 2022 Site Notice Expiry Date: 13 January 2023 Press Advert Display Date: 14 December 2022 Press Advert Expiry Date: 6 January 2023 Neighbour letters		
Summary of neighbour responses	Summary of objections <ul style="list-style-type: none"> Narrow gap between the proposed building and neighbouring walls which could lead to damp, moss and debris damaging the brickwork of these walls which are already not in a good condition. Overbearing impact. Visual Amenity and loss of light. Concerned that in future an owner might seek to change the use to that of an independent office, separate from occupation of the house. 		
Consultees and responses	WHBC Cllr Caron Anne Juggins – Objection <ul style="list-style-type: none"> Proposed outbuilding is too large for the size that it sits on The height of the roof will dominate over other neighbour's properties, No.35 owns most of the land where with only a pedestrian right-of-way for No.10 Parking restrictions in the area and unsure where the tradesmen would park in relation to this build Proposal would restrict light and vegetation growth at No.33 Park Close Back wall of No.33 needs quite a lot of extensive work and repair to it and is not strong enough to sustain a build against it and also the guttering to hang over into his property 		
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 checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes			
<u>The Welwyn Hatfield Draft Local Plan Proposed Submission (August 2016) Incorporating The Proposed Main Modifications (January 2023) (Draft Local Plan)</u> SP1 Delivering Sustainable Development SP9 Place Making and High Quality Design Policy SADM15 Heritage			

Main Issues
Is the development within a conservation area?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Comment (if applicable): The property is located within the Old Hatfield Conservation Area. There are no objections to the proposed outbuilding as it is not considered to be detrimental to the setting of the conservation area. The proposal is considered to be compliant with the NPPF and Policy SADM15 of the Draft Local Plan.
Would the significance of the designated heritage asset be preserved or enhanced?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Comment (if applicable): Listed Building Consent has been granted under ref: 6/2022/2715/LB.
Would the development reflect the character of the area?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Comment (if applicable): The Government attaches great importance to the design of the built environment. The National Planning Policy Framework (NPPF) notes that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policies D1 and D2 of the adopted Welwyn Hatfield District Plan (2005) are of relevance and seek to provide a good standard of design in all new development and require that all new development respects and relates to the character and context of the area in which it is to be sited. The above objectives are broadly consistent with Policies SP1 and SP9 of the Council's Emerging Local Plan 2016. The Council's Supplementary Design Guidance (SDG) includes guidance that residential extensions should complement and reflect the design and character of the dwelling and be subordinate in scale. The SDG can only be guidance because it cannot address all the potential circumstances associated with extensions. The concerns raised by Councillor Juggins are acknowledged. The application site benefits from a reasonably sized rear garden. The outbuilding would be located at the end of the garden. During the course of the application, the proposal has been amended and now features a roof with a steeper pitch. The site is surrounded by a wall which would partially screen the new building although the roof would be clearly visible from surrounding properties and glimpsed from the public highway. Beyond the boundary wall the application site is surrounded by other residential gardens, a pub garden and a garage block. As well as numerous garages, there are several garden structures of varying design within the surrounding area. The proposal would therefore not appear unduly prominent or out of character with the area. Furthermore, given the size and single storey nature of the proposed outbuilding, it is considered that the proposal would be subordinate in scale to the host dwelling and would not result in overdevelopment of the plot. The outbuilding would be finished in brickwork and slates to the new roof which is not objectionable in this setting. External materials can be secured through a planning condition. A concern has been raised regarding the future use of the outbuilding as an independent office. It is therefore considered necessary and reasonable to impose a condition to ensure that the outbuilding remains ancillary and incidental to the existing dwelling on the site. Subject to the suggested planning conditions, it is considered that the outbuilding would adequately respect and relate to the existing dwelling and the character of the area and would accord with local and national policies.
Would the development reflect the character of the dwelling?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Comment (if applicable): See above

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

Yes No N/A

Comment (if applicable): 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.

The objections from Nos.32, 33 Park Close and No.7 Park Meadow are noted.

Due to the location of the proposed works, the neighbouring occupiers which are the most likely to be affected by the proposal are those at Nos.33 and 34 Park Close.

The properties at Nos.33 and 34 Park Close have outbuildings located on the boundary with the application dwelling. The depth of the rear gardens of these neighbouring properties is approximately 9m. There would be a gap of approximately 0.5m between the flank wall of the outbuilding and flank boundary of Nos.33 & 34 Park Close. Overall, given the separation distances involved, the siting and single storey nature of the outbuilding, it is considered that the proposal would not have an impact on loss of amenities in terms of overlooking, sun/daylight, outlook or privacy to neighbouring occupiers. As such, the proposal would be in accordance with local and national policies.

Would the development provide / retain sufficient parking?

Yes No N/A

Comment (if applicable): The proposal would provide additional space to home working. As such, it is considered that the proposal would not have an impact on parking provision.

Any other issues

Damages to brickwork:

Concerns have been raised regarding the potential damage to the brickwork of neighbouring walls, lack of access to carry out repair works once the outbuilding has been constructed. These matters are managed outside of the planning team and therefore are not discussed in this report.

Access during construction:

It has been highlighted that No.35 Park Close owns most of the land which is required for access. This is considered to be a private matter and not material planning considerations in relation to this proposal.

Parking during construction:

Concerns regarding parking during construction are noted. However, any impact on parking would be temporary during construction times and is generally acceptable.

Conclusion

Subject to the planning conditions outlined above, it is considered that the proposed development would be in accordance with the Welwyn Hatfield District Plan; the Supplementary Design Guidance; the Draft Local Plan 2016 and the National Planning Policy Framework.

Conditions:

1. No development above ground level in any phase of the development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

2. The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 10 Park Street.

REASON: To prevent the undesirable establishment of a use which is not ancillary to the host dwelling, in the interests of the amenities of the occupiers of the neighbouring properties in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 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
GB/2022/408		Proposed Elevations	9 February 2023
GB/2022/407		Proposed Floor and Roof Plan	9 February 2023
GB/2022/409		Existing and Proposed Block Plan	9 February 2023
GB/2022/410		Proposed Site Plan	9 February 2023
GB/2022/400		Location Plan	2 December 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. 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.

2. 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.
3. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk

Determined By:

Mr Mark Peacock
18 April 2023