

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

DELEGATED APPLICATION

Application No: 6/2023/0374/FULL
Location: 11 Tolmers Gardens, Cuffley, Potters Bar, EN6 4JE
Proposal: Conversion and extension to existing dwelling to create four self-contained units with associated infrastructure
Officer: Ms Kirsty Shirley
Recommendation: Refused

Context	
Site and Application description	<p>Brookmans Park, Cuffley and Digswell are all characterised as large villages in the north and south of the district which grew mainly during the 20th Century as commuter settlements based around railway stations. They are generally characterised by detached dwellings on large plots, with adequate distancing from another, albeit within a variety of different settings.</p> <p>The application site is located on the south side of Tolmers Gardens in the settlement of Cuffley. The road is a residential cul-de-sac close to the centre of Cuffley containing detached dwellings, semi-detached dwellings and an apartment block. The ground level rises along the street and the roadway curves so there is not a continuous building line.</p> <p>The application site is comprised of a two-storey detached dwelling with front driveway and rear garden. The site also contains land associated with No. 12 Tolmers Gardens.</p> <p>The proposal is for the extension of the existing dwelling and conversion of the dwelling into four self-contained units.</p> <p>This application follows previously refused application 6/2022/0922/FULL. Application 6/2022/0922/FULL was for the conversion and extension to existing single dwelling house to create four 1 bed-apartments with associated infrastructure. Application 6/2022/0922/FULL was refused on the basis of the design of the development, inadequate and insufficient amenity space for existing occupiers of No. 12 and future occupiers, undue loss of sunlight for the occupiers of No. 9, inadequate car parking provision, and resulting bin clutter representing poor standard of design.</p> <p>This application (6/2023/0374/FULL) seeks to overcome the previous refusal reasons of application 6/2022/0922/FULL.</p>
Constraints (as defined within WHDP 2005)	<p>PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0 Wards - Northaw & Cuffley - Distance: 0 A4D - ARTICLE 4 DIRECTION - Distance: 0 FM30 - Flood Zone Surface Water 30mm (1901709) - Distance: 0 FM10 - Flood Zone Surface Water 100mm (496) - Distance: 0 FM10 - Flood Zone Surface Water 100mm (2746799) - Distance: 0</p>

	<p>FM00 - Flood Zone Surface Water 1000mm (18092) - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0</p>
<p>Relevant planning history</p>	<p>Application Number: S6/1985/0619/FP Decision: Granted Decision Date: 13 November 1985 Proposal: Two storey rear extension</p> <p>Application Number: 6/2022/0922/FULL Decision: Refused Decision Date: 07 July 2022 Proposal: Conversion and extension to existing single dwelling house to create 4x 1 bed apartments with associated infrastructure Refusal reasons:</p> <ol style="list-style-type: none"> 1. <i>The design of the proposed building, in terms of scale, size, massing, bulk and style would appear as an incongruous and discordant building within the street scene. Accordingly, the proposal is considered to be in conflict with District Plan Policies D1 and D2; Policy SP9 of the Emerging Local Plan; the Supplementary Design Guidance; and the National Planning Policy Framework</i> 2. <i>The proposed conversion of the building to form four residential flats, by virtue of inadequate and insufficient amenity space provision for both existing occupiers of No. 12 and future occupiers of the proposed development, would represent unsatisfactory living accommodation for the future occupants. Accordingly, the development would be of a poor standard of design, failing to take the opportunities to function well and add to the overall quality of the area, contrary to Policies D1 and H4 of the District Plan; Policies SP9 and SADM11 of the Emerging Local Plan; Supplementary Design Guidance; and the National Planning Policy Framework.</i> 3. <i>The proposed development would result in the most useable part of No. 9's garden to become overshadowed much earlier in the day, resulting in these occupiers to experience a detrimental loss of light, contrary to District Plan Policy D1; Policies SP9 and SADM11 of the Emerging Local Plan; the Supplementary Design Guidance; and the National Planning Policy Framework.</i> 4. <i>The development would result in inadequate car parking provision, contrary to District Plan Policy M14; Supplementary Planning Guidance; Interim Policy for Car Parking and Garage Sizes; and the National Planning Policy Framework.</i> 5. <i>The potential for resulting bin clutter would be likely and this would be visually intrusive within the street scene, harming the character and appearance of the surrounding area. The development therefore represents a poor standard of design, in conflict with District Plan Policies D1 and D2; Policies SADM11 and SP9 of the Emerging Local Plan; the Supplementary Design Guidance; and the National Planning Policy Framework.</i>

Consultations			
Neighbour representations	Support: 0	Object: 11	Other: 0
Publicity	Site Notice Display Date: 7 March 2023 Site Notice Expiry Date: 28 March 2023 Neighbour notification letter		
Summary of neighbour responses	<p>11 Objections have been received for this application, which are summarised as follows:</p> <ul style="list-style-type: none"> • The occupants of No 12 have not been consulted on this proposal from the applicant and the development may invoke legal issues. • The proposal is similar to refused application 6/2022/0922/FULL at the site and should be refused again. • The submitted information is misleading as the proposal has not been discussed with residents at No. 12, and lots of untrue statements have been stated such as the parking and garden areas have always been shared between No. 11 and No. 12. The site plan is also misleading as the existing site area is incorrect • The development will block the view of the countryside • The extension would be bulky and the proposal is overdevelopment and inappropriate for the area • The properties are described as 1 bedroom but the generously sized studies would mean the properties are really 2 bedrooms. • The windows and balcony of the proposed will result in overlooking and a loss of privacy to neighbouring residents • The development will result in a loss of sunlight • Insufficient car parking has been provided and car parking issues are already an issue in the area. Occupants of No. 12 haven't been consulted on car parking arrangements where spaces will be moved. Introducing more cars to the area will result in lots of noise. • The development will devalue our property • We were not informed of this development when we purchased our property in the area • The boundaries of the building aren't consistent and the boundaries of No. 12 have moved • The development would result in a loss of amenity space for the residents of No. 12 as there would be potentially 8 more people to share it with. The garden already floors and the proposal will further increase this risk. • The bin location is inadequate and the bins would be with the bins of No. 12 which will attract more flies and unpleasant odours and prevent occupiers of No. 12 opening their windows. • The cycle storage will be in the garden for residents of No. 12 • The construction of the development will be noisy and take a long time to complete, as well as creating lots of dirt and dust. • There are sewerage issues already in the area and this proposal will exacerbate these issues. 		
Consultees and responses	<p>WHBC Councillor George Michaelides - <i>Call in request should the application be recommended for approval</i></p> <p>Northaw & Cuffley Parish Council – Objection: <i>Tolmers Gardens was never intended to have increased traffic created by conversions to apartments. By</i></p>		

	<p><i>adding an additional 4 apartments at number 11 with only 4 allocated spaces (that is less than planning policy allows) this again increases traffic and parking pressure. This is overdevelopment of the plot and this along with inadequate parking and further detrimental change of street scene is the reason for this major objection.</i></p> <p>HCC Hertfordshire Transport Programmes & Strategy – Object: <i>insufficient information has been submitted for the Highways Authority to make an informed decision</i></p> <p>WHBC Client Services – Comment: <i>I would recommend 2 x 360l shared refuse bins and 2 x 360l shared recycling bins plus 1 x 180l food waste bin. The bins store would require a coded lock with double doors opening outwards and a clear flat tarmac path from store to freighter.</i></p> <p>WHBC Public Health and Protection – Comment: <i>Recommend planning application is permitted but with conditions regarding noise and construction works</i></p> <p>WHBC Parking Services – no response</p>
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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
 D8 Landscaping
 R1 Maximising the Use of Previously Developed Land
 R17 Trees, Woodlands and Hedgerows
 R19 Noise and Vibration
 H2 Location of Windfall Housing Development
 H3 Loss of Residential Accommodation

The Welwyn Hatfield Draft Local Plan Proposed Submission (August 2016) Incorporating The Proposed Main Modifications (January 2023) (Draft Local Plan) Policies:

SADM1 Windfall Development
 SADM2 Highway Network and Safety
 SADM11 Amenity and Layout
 SADM12 Parking, Servicing and Refuse
 SP1 Delivering Sustainable Development
 SP9 Place Making and High Quality Design

Main Issues

<p>Principle of development</p>	<p>District Plan Policy SD1 states that development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the District Plan. Policy R1 requires development to take place on previously developed land and Policy GBSP2 directs new development into the existing towns and specified settlements within the district. These objectives are consistent with the National Planning Policy Framework (NPPF) which supports the development of under-utilised land and buildings and the efficient</p>
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	<p>use of land taking into account, amongst other criteria, the desirability of maintaining an area’s prevailing character and the importance of securing well designed and attractive places.</p> <p>This application is for the extension and conversion of the existing dwelling house within the site to create four one-bedroom apartments.</p> <p>The site has not been allocated for additional housing supply and as such comes forward as a windfall residential site where Policy H2 applies. Policy H2 of the District Plan relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential suitability against the following criteria:</p> <ul style="list-style-type: none"> (i) <i>The availability of previously-developed sites and/or buildings;</i> (ii) <i>The location and accessibility of the site to services and facilities by transport modes other than the car;</i> (iii) <i>The capacity of existing and potential infrastructure to absorb further development;</i> (iv) <i>The ability to build new communities to support infrastructure and provide demand for services and facilities;</i> (v) <i>The physical and environmental constraints on development of land.</i> <p>Policy SADM1 is also relevant in regards to windfall housing development. This policy is similar to Policy H2 of the District Plan but adds that the proposal should not undermine the delivery of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.</p> <p>The principle of such a development was established under previously refused application 6/2022/0922/FULL and it remains that there is no objection to this site being used for residential purposes in land use terms, subject to the physical and environmental constraints of the site and its immediate vicinity and other relevant planning policies.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>District Plan Policies D1 and D2 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 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. 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. These policies are consistent with the design policies contained in the draft Local Plan (SP1 and SP9) and the NPPF.</p> <p>Paragraph 126 of the NPPF 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. At paragraph 130, 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 <i>“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government</i></p>

guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.”.

The proposed development is for extensions to the existing dwelling and to convert the development into four self-contained units.

The immediate area is characterised by detached dwellings with hipped roofs on moderately sized plots. There is an example of a pair of two storey semi-detached dwellings within the street. Adjoining the site is No. 12, a recent development comprising of eight self-contained units following the demolition of the bungalow in the site which was approved in 2018.

The proposed development would increase the size and scale of the existing dwelling on all floors, and notably at ground floor level due to a proposed single storey side to rear extension. The existing garage would be converted into a habitable space and the ground floor side extension would extend partly alongside the boundary with No. 9 before stepping in away from the boundary, with the ground floor extension set back from the shared boundary with No.12. The ground floor rear extension would occupy most of the current rear garden serving the dwelling within the site, with the remaining garden space to be private amenity space for the occupiers of flat 2. At first-floor level, there would be a partial rear extension which would extend across approximately two thirds of the first-floor rear elevation, served by a clipped gable roof, a dormer facing No. 12 and increase in ridge height to facilitate a habitable second floor space. There would be a separation distance above ground floor level between the proposed development and adjoining neighbours.

The proposed extensions and enlargements would result in a substantially larger building on the site. It is however noted that the application site has a greater area than the existing curtilage of No.11. The eaves and ridge height of the resultant development would adequately respect the stepped building heights of neighbouring properties on its row, there would be sufficient set-in distance at first floor level and above, and the existing building line would be maintained.

The building would have a crown roof and it is noted that the building at No.12 has the same type of roof form. As such, there is no in principle objection to this type of roof (subject to precise design details which can be secured by condition).

The clipped gable roof to the rear would not contrast unacceptability to the roof forms in the immediate locality which are varied and the side dormer would be subservient in scale to the roof slope.

The entranceway to buildings within this area are located within the principal, front facing elevation. The consistent location of entranceways within the front facing elevation indicates access to a dwelling and is a key characteristic of the area. The access to the proposed building would be located to the flank elevation of the building facing No. 12. While it is noted that No. 12 is a flatted development, a key element in its design is its legibility within the street scene and to be perceived as a pair of semi-detached dwellings, which includes two front facing entranceways. The front elevation of the proposed building facing the street, through the absence of an entranceway, would be at odds with all dwellings/buildings in the area. This elevation would not respect or relate to the design and character of dwellings/buildings in the area. For this reason, it

	<p>is considered that the proposed building would represent a poor standard of design as it would detract from the area's character. Accordingly, the proposal is considered to be in conflict with District Plan Policies D1 and D2; Policy SP9 of the emerging Local Plan; the SDG; and the NPPF.</p>
<p>Living condition for future occupiers</p>	<p>District Plan Policy D1, in conjunction with the SDG, outlines that development will be required to provide a good standard of amenity for buildings and external open spaces. Paragraph 130 of the NPPF outlines that decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Emerging Policy SADM11 requires, as a minimum for proposed dwellings, to meet the Nationally Described Space Standard, unless it can be robustly demonstrated that this would not be feasible or viable. The Standards outline the minimum requirements floor space and storage for new dwellings.</p> <p>The proposed flats would be of adequate size to meet local and national policy. While the flats are described as one-bedroom, the proposed flats would have sizeable studies that could be feasibly used as bedroom, particularly if combined with the utility rooms shown for flats 1, 2 and 4, or coat room shown for flat 3. The studies shown for flats 2 and 4 would be approximately 6m² and the studies for flats 1 and 3 would be approximately 6.5m², with each study at least 2.15m wide. The floor area of the studies would only be marginally under the NDSS standards of 7.5m² and could provide sufficient space for the area to be utilised as a bedroom, and would exceed the standards of the NDSS should the studies be combined with their respective adjoining utility/coat/storage rooms. It is therefore likely throughout the lifetime of the building that the flats would be used as two-bedroom dwellings.</p> <p>In terms of private amenity space, Policy D1 of the District Plan, Policy SADM11 of the Emerging Local Plan and the SDG 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 Council will look at the size of the unit proposed in relation to the size of the garden.</p> <p>The plans submitted with this application indicate that the rear garden space serving the flats at adjoining neighbour No. 12 would also serve the residents of the proposed development. The communal amenity space would be shared across a total of 12 flats. Sharing the amenity space across 12 flats was also proposed in refused application 6/2022/0922/FULL. The reduction in ground floor projection in this application when proposed to application 6/2022/0922/FULL allows for further amenity space for use of the residents, with private amenity space provided for the occupants of flat 2 and a balcony for the occupants of flat 3.</p> <p>Each flat at the proposed development and existing development at No. 12, would be inhabited by at least one person, with potentially more occupants given bedrooms would likely be shared and flats have potential for renovation to provide a second single bedroom. Private amenity space would be provided for the occupants of flat 2 and flat 3, via a modest garden and balcony respectively. While the proposed communal amenity space has increased from previous application 6/2022/0922/FULL, it is considered the amenity space would still be insufficient in size for the number of residents it would serve. Access to the communal amenity space for future occupiers of the development would also be inhibited by the location of the bin store area.</p>

	<p>Furthermore, the proposed cycle storage location would interrupt the form and use of the amenity space, reducing useable amenity space surrounding the cycle storage areas from being useable outdoor space. The proposed amenity area would diminish the ability of residents of the cumulative 12 flats from undertaking outdoor recreation, including play, as well as reducing opportunities of matters including undertaking domestic tasks such as the drying of washing. The proposed communal amenity space would therefore prevent future and existing occupiers to experience appropriate living conditions.</p> <p>The development has therefore failed to overcome refusal reason 2 of application 6/2022/0922/FULL and would be in conflict with District Plan Policy D1, Policy SADM11 of the emerging Local Plan, the SDG, and NPPF.</p>
<p>Impact on neighbours</p>	<p>Eleven neighbouring objections have been received for this development. Concerns have been raised regarding the legality of the development, effect on house prices, inaccurate information submitted, diminished views, overdevelopment, overlooking and loss of privacy, loss of sunlight, insufficient car parking, loss of amenity space, bin and cycle storage location, noise and dirt issues as a result of construction, and sewerage issues.</p> <p>House prices and diminished views are matters in the private interest, whereas planning operates in the public interest. These matters are therefore not a material planning consideration in this case.</p> <p>Concerns regarding the legality and sewerage of the proposal are matters that are managed outside of the planning system.</p> <p>Concerns regarding inaccurate information and issues as a result of construction have been addressed later in this report.</p> <p>In terms of privacy, a first-floor window would be inserted into the flank elevation facing No. 9. This window would serve a non-habitable space and so could be secured by condition to be obscured glazed and non-opening in the event of an approval to protect the privacy of the occupiers of No. 9. A 1.8m obscured screen for each side elevation of the first-floor rear balcony serving flat 3, is proposed, which would protect the privacy of the occupiers of No. 9 and No. 12.</p> <p>Windows would be inserted across the ground floor, first floor and roof level of the flank elevation that faces towards No. 12. The first-floor and roof level windows would be obscured glazed, with a first-floor and roof level window serving non-habitable spaces. However, a first-floor window proposed to be obscured glazed would serve a study, with no other windows serving this space. A study would be a habitable space, could double as a home office and, as discussed earlier, has the scope to be used as an additional bedroom in future. It is considered that an obscured glazed window would not allow for adequate light within the habitable space. It would be a gloomy space and result in a poor standard of accommodation for future occupiers of this flat</p> <p>Rooflights are proposed within the front, rear and side facing roofslopes. The positioning and orientation of the rooflights would not overlook adjoining neighbours and would maintain the privacy of adjoining occupiers.</p> <p>While it is acknowledged that the development would add considerable bulk</p>

	<p>and massing to the existing dwelling, it is considered that the positioning and scale of the development would not result in an unduly dominant or overbearing development that would detrimentally alter the outlook of adjoining occupants.</p> <p>Regarding sunlight, the application site and properties on the same row in the street have south-west facing gardens, benefitting from sunlight from the late morning until the evening. A part of the single storey rear extension would be built along the boundary line with No. 9, with the rest of the extension positioned away from the boundary line. The topography of the area is sloping, resulting in the application site to be situated on slightly higher ground than No. 9. The positioning of the rear extension with the topography of the land would result in the occupiers of No. 9 to experience a degree of shading earlier in the day, however the development would not result in the occupiers of No. 9 to experience an adverse loss of light that would be harmful to the living conditions currently enjoyed.</p> <p>The proposed development seeks to use the existing outdoor communal amenity area for the flatted development at No.12 Tolmers Gardens. As identified above, the result of this would be inadequate amenity space for the occupiers of this neighbouring development. Harm would result to the living conditions of the occupiers of the 8 flats at No. 12, in conflict with Policy D1 of the District Plan, Policy SADM11 of the emerging Local Plan, the SDG, and the NPPF.</p>
<p>Access, car parking and highway considerations</p>	<p>In terms of parking paragraph 107 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultralow emission vehicles. Paragraph 111 of the National Planning Policy Framework states development should be refused on highway grounds if there would be an unacceptable impact on highway safety.</p> <p>Policy SADM2 of the emerging Local Plan says, amongst other things, that development proposals will be permitted provided there would be no negative impacts on highway safety; and they provide satisfactory and suitable levels of parking.</p> <p>District Plan Policy M14 and the Parking Standards SPG use maximum standards which are not consistent with the NPPF and are therefore afforded less weight. In light of the above, 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>The application site is within Zone 4, where one-bedroom dwellings should be provided with 1.25 car parking spaces. As discussed earlier however, it is likely the dwellings could provide two bedrooms. Two-bedroom dwellings in this location should provide 1.5 car parking spaces.</p> <p>The plans submitted show three car parking spaces to the front of the development, with one car parking space shown outside of the red line of the application site as a shared car parking space with the occupants of No.12.</p>

	<p>Plans submitted with application 6/2020/2944/VAR show the proposed shared space as allocated to flat 1 of No. 12. It is likely that the proposed shared car parking space is currently being utilised by the occupants of flat 1 of No. 12 and the possibility of sharing one car parking space between the existing occupants of No. 12 and future occupants of the development is therefore impractical and unrealistic. This is not acceptable.</p> <p>The development would likely require alterations to the existing crossover. Hertfordshire Highways have been consulted for this application and comment that insufficient information has been submitted with this application and, consequently, an informed and accurate assessment of the impact of the development on highway safety has not been possible to establish.</p> <p>Encouraging walking, cycling and use of other low emission transport in place of private car use is in favour of this application. The application site would provide further cycle parking to the rear of the development and would be located approximately 0.2 miles from the Cuffley train station on Station Road and approximately 0.3 miles from the nearest bus stop on Plough Hill. Shops and services would also be in close proximity on Station Road, approximately 0.1 miles from the application site.</p> <p>While there is a need to reduce reliance on private vehicles, their use is still prevalent and often required for trips not served by public transport. Development therefore needs to accommodate an appropriate level of parking. Tolmers Gardens has experienced car parking issues in the past, evidenced by the current car parking restrictions in place. The restrictions limit car parking to resident permit holders only between Monday to Saturday, 9am – 5pm, excluding bank holidays. It is therefore considered that a shortfall in car parking spaces for this application would not be acceptable.</p> <p>Should the development be considered as a one-bedroom flats rather than two-bedroom flats, the development would still result in an under provision of car parking spaces, in conflict with the above policies.</p> <p>The development has therefore failed to overcome refusal reason 4 of application 6/2022/0922/FULL and the development would result in inadequate car parking provision. Additionally, insufficient information has been submitted to establish the impact of the development on highway safety. The development would therefore be contrary to District Plan Policy M14, Policy SADM2 of the emerging Local Plan, the SDG, the Council’s parking guidance, and the NPPF.</p>
<p>Landscaping Issues</p>	<p>District Plan Policies R17 and D8 require the retention of landscape features such as trees and hedges and outline that this type of development should include landscaping as an integral part of the overall design. Paragraph 130 of the NPPF requires new developments to ensure appropriate and effective landscaping.</p> <p>A landscaping scheme has not been submitted with this application, however such a scheme can be secured by condition in the event of an approval.</p>
<p>Refuse and recycling</p>	<p>The proliferation of bins can create a considerable amount clutter which in turn has a harmful impact upon the visual amenity of the streetscene and the character of the area contrary to Local Policies D1 and D2. Inappropriate storage of bins on the highway can also disrupt pedestrian and traffic</p>

	<p>movements contrary to the NPPF.</p> <p>The National Design Guide (H3) points out that <i>“Well-designed places include a clear attention to detail. This considers how buildings operate in practice and how people access and use them on a day-to-day basis, both now and in future. They include: Local waste storage, management and pick up: Refuse bins for all the different types of collection, including landfill, recycling and food waste. They are accessible and well-integrated into the design of streets, spaces and buildings, to minimise visual impact, unsightliness and avoid clutter. Where refuse bins are required to be on a street frontage or in a location that is visible from a street, they are sited within well-designed refuse stores that are easy for occupants to use.”</i></p> <p>Policy SADM12 of the emerging Local Plan states that appropriate provision of service areas and refuse storage and collection areas should be made according to the nature of the development. Such areas and access to them should be appropriately sited and designed to ensure they can:</p> <ul style="list-style-type: none"> a) Perform their role effectively without prejudicing or being prejudiced by other functions and users; b) Maintain an attractive and coherent street scene and protect visual amenity; and c) Avoid creating risk to human health or an environmental nuisance. <p>The proposed refuse and recycling store would be located in a narrow side passageway to the rear side of the building. Comments have been received with concerns that the location of bins would interrupt the living conditions of residents by preventing windows from being opened due to odours and flies from the bins. Bin storage can mitigate these concerns however no bin storage has been submitted with this application. The bins would also be located in a tight, cramped space, which would be difficult to access and manoeuvre bins to and from. The location of the bin area also inhibits access to the communal rear garden area.</p> <p>It is considered probable that residents of the proposed development would leave the bins in proximity to the front of proposed building should issues regarding odour, flies and manoeuvrability occur. Bins would likely be left on the greenery to the front of the site to avoid blocking the footpath or car parking spaces. However, the bins could be left in one of these locations for long periods of time before and/or after being emptied.</p> <p>Having regard to the above, it is considered that that location and design of the refuse and recycling area is not good design. Bins would likely be stored at the frontage of the property and result in clutter which would be visually intrusive within the street scene, harming the character and appearance of the existing area.</p> <p>The development has therefore failed to overcome refusal reason 5 of application 6/2022/0922/FULL, and the development represents a poor standard of design, in conflict with District Plan Policies D1 and D2; Policies SADM11, SADM12 and SP9 of the emerging Local Plan; SDG; and NPPF.</p>
<p>Any other considerations</p>	<p><i>Neighbouring representations</i></p> <p>Concerns have been raised by neighbouring representations that the</p>

	<p>information submitted within this application is inaccurate. The onus is with the applicant to submit accurate information and it is considered that the information provided within this application is sufficient to adequately assess the proposed development.</p> <p>Comments have also been raised regarding issues as a result of the construction of the development. The Council's Public Health and Protection team have not raised any concerns but have recommended that conditions regarding noise and dust should be included in the event of an approval.</p>
<p>Planning balance and conclusion</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 that they accord with the objectives and policies of the Development Plan. 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.</p> <p>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 proposed development would cause harm to the area's character through the design of the building and likelihood that bins would be stored at the frontage of the property creating visual clutter. The location and design of the proposed refuse and recycling store is also inappropriate. There would be conflict with Policies D1 and D2 of the District Plan, Policies SP9 and SADM12 of the emerging Local Plan, the SDG, and NPPF. Substantial weight is attached to this harm.</p> <p>Insufficient outdoor amenity space would be provided for future occupiers and existing occupiers of the flatted development at No.12 Tolmers Gardens, noting that the proposed outdoor amenity space in this case would be shared between the two developments. In addition, there would be harm to the living conditions of Flat 3 as it is considered that an obscure glazed window serving the study (which also could feasibly be used as a bedroom) would not provide adequate natural light to this room. There would be conflict with Policy D1 of the District Plan, Policy SADM11 of the emerging Local Plan, the SDG, and the NPPF. Significant weight is attached to this harm.</p> <p>The proposal would have inadequate parking provision and insufficient information has been submitted to demonstrate that the proposal would not have an unacceptable impact on highway safety. There would be conflict with Policy M14 of the District Plan, Policy SADM2 of the emerging Local Plan, the Council's car parking guidance documents, and the NPPF. Substantial weight is attached to each of these harms.</p> <p>The proposal would also conflict with Policy H2 of the District Plan as it is</p>

	<p>considered that the size of the application site is a physical constraint on development of the land for 4 flats. The proposal would represent overdevelopment of the site – evidenced by the identified harm to the area’s character, cramped and unacceptable location of the refuse and recycling store, harm to the living conditions of existing and future occupiers, and inability to provide appropriate on-site parking provision.</p> <p>Now turning to benefits. The Council cannot demonstrate a five-year supply of deliverable housing sites and the proposal would make a limited but still important contribution to the supply of housing. This attracts significant positive weight. There would be further limited social, economic and environmental benefits which carry limited positive weight.</p> <p>In the absence of a five-year supply of deliverable housing sites, the NPPF indicates that the policies which are most important for determining the application are deemed to be out of date. Consequently, the presumption in favour of sustainable development test set out in paragraph 11(d) of the NPPF is engaged. In this case, the presumption provides that planning permission should be granted unless 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 adverse impacts of the development would be substantial, and in the context of paragraph 11(d) of the NPPF, it is considered that these adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Planning permission should therefore be refused.</p>
<p>Conclusion</p>	
<p>It is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole and planning permission should therefore be refused.</p>	

Reasons for Refusal:

1. The proposal would detract from the character and appearance of the area and represent overdevelopment of the site, in conflict with Policies D1, D2 and H2 of the Welwyn Hatfield District Plan 2005; Policies SP9 and SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission 2016; the Council’s Supplementary Design Guidance 2005; and the National Planning Policy Framework.

2. The proposal would result in inadequate and insufficient amenity space provision for both existing occupiers of No. 12 Tolmers Gardens and future occupiers of the proposed development, as well as resulting in poor standard of living conditions for the future occupiers of flat 3 by virtue of inadequate natural light . The development is therefore contrary to contrary to Policy D1 of the Welwyn Hatfield District Plan 2005, Policy SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission 2016, the Council’s Supplementary Design Guidance, and the National Planning Policy Framework.

3. The proposed development would result in inadequate car parking provision, and insufficient information has been submitted to establish the impact of the development on highway safety. Consequently, the proposal is contrary to Policy M14 of the Welwyn Hatfield District Plan 2005, Policy SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission 2016, the Council's Supplementary Planning Guidance 2004, the Council's Interim Policy for Car Parking and Garage Sizes 2014, and the National Planning Policy Framework.
4. The proposed refuse and recycling store would be inappropriately sited and designed, in conflict with Policy D1 of the Welwyn Hatfield District Plan 2005, Policy SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission 2016, and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

5.

Plan Number	Revision Number	Details	Received Date
P.03		Proposed Elevations & Sections	17 February 2023
P.04		Streetscape	17 February 2023
P.05		Site Plans	17 February 2023
P.01		Proposed Layout	17 February 2023
P.02		Proposed Layout	17 February 2023
EX.01		Existing Plans, Elevations & Sections	17 February 2023
LP.01		Location Plan	20 February 2023

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 David Elmore
14 April 2023