

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

DELEGATED APPLICATION

Application No: 6/2023/1018/HOUSE
Location: 55 Longcroft Lane Welwyn Garden City AL8 6EB
Proposal: Erection of a garden room to rear garden to use as a home office and gym
Officer: Ms Jessica Fuller

Recommendation: Granted

6/2023/1018/HOUSE

Context	
Site and Application description	<p>No.55 Longcroft Lane comprises a two-storey semi-detached property located within a conservation area in Welwyn Garden City. The property benefits from a deep rear garden.</p> <p>Planning permission is sought for the erection of a garden room in the rear garden to use as a home office and gym.</p>
Constraints (as defined within WHDP 2005)	<p>CA - Conservation Area: WGC1; - Distance: 0 SAG - 0 - Distance: 0 EM - Estate Management - Distance: 0 Town - Welwyn Garden City Town Centre - Distance: 0 Wards - Handside - Distance: 0 CP - Cycle Path (Cycle Facility / Route) - Distance: 10.61</p>
Relevant planning history	<p>Application Number: N6/2014/1157/FP Decision: Granted Decision Date: 15 July 2014 Proposal: Erection of single storey side extension</p> <p>Application Number: W6/2014/1158/EM Decision: Granted Decision Date: 15 July 2014 Proposal: Erection of single storey side extension</p> <p>Application Number: W6/2015/0288/EM Decision: Granted Decision Date: 08 April 2015 Proposal: Single storey side and rear extensions</p> <p>Application Number: N6/2015/0289/FP Decision: Granted Decision Date: 08 April 2015 Proposal: Erection of single storey rear and side extensions</p>

	<p>Application Number: 6/2016/0460/COND Decision: Granted Decision Date: 27 June 2016 Proposal: Approval of details reserved by condition 3 (protection of the mature Copper Beech tree) on planning permission N6/2015/0289/FP</p> <p>Application Number: 6/2018/2877/EM Decision: Granted Decision Date: 20 December 2018 Proposal: Installation of solar panels on rear garage roof</p> <p>Application Number: 6/2018/2777/EM Decision: Withdrawn Decision Date: 11 June 2019 Proposal: Installation of solar panels on garage roof</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	<p>Site Notice Display Date: 24 May 2023 Site Notice Expiry Date: 15 June 2023 Press Advert Display Date: 31 May 2023 Press Advert Expiry Date: 21 June 2023 Neighbour notification letters</p>		
Summary of neighbour responses	None received		
Consultees and responses	<p>Network Rail: The car park adjacent to the proposals is not operational railway land but does appear to be let to the car park operator by Network Rail. However, on viewing the application details, I can confirm that we have no observations to make in respect of the proposed development.</p> <p>Place Services Conservation Officer: If the proposed materials are improved to be more sympathetic with the Garden City vernacular there would be no objections to the proposal. Due to the incongruous material palette the proposal is considered to result in the very lowest level of less than substantial harm to the Conservation Area and paragraph 202 of the NPPF is relevant. Consideration should also be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in which special regard should be given to the desirability of preserving the character and appearance of a conservation area.</p> <p>The full version of submitted comments are available to view online.</p>		
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 type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Others			
<u>Welwyn Hatfield Draft Local Plan Proposed Submission August 2016 (subject to main modifications January and June 2023):</u>			

SP1 Delivering Sustainable Development
SP9 Place Making and High-Quality Design
SADM11 Amenity and Layout
SADM15 Heritage

Main Issues

Is the development within a conservation area?

Yes No

Would the significance of the designated heritage asset be preserved or enhanced?

Yes No

Comment (if applicable):

Would the development reflect the character of the area?

Yes No

Comment (if applicable):

The site is located within Welwyn Garden City Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

Section 16 of the NPPF 'Conserving and enhancing the historic environment' is broadly consistent with Policy SADM15 'Heritage' of the Emerging Local Plan. Also of relevance, and consistent with the NPPF, are Policies D1 and D2 of the adopted Welwyn Hatfield District Plan (2005) which 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. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires that residential extensions should be complementary in design and be subordinate in size and scale to the existing dwelling.

Paragraph 202 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposed garden room would measure approximately 8.2m x 6.1m with a maximum height of 3.2m to the ridge, and 2.5m to the eaves. It would feature a pitched roof with three double doors on the front elevation, which would face into the rear garden of the application site. It is noted the conservation officer has commented on the proposed materials, setting out how they would not be in keeping with the characteristic material palette of the Conservation Area. However, the comment concludes that the proposed building would be of low visibility and would result in the very lowest level of less than substantial harm to the Conservation Area.

The exact materials of the outbuilding are unclear as the proposed plans appear to indicate wood cladding of a natural timber colour and grey roof tiles, whereas the application form states that the walls would be either wood or recycled plastic composite cladding in grey. Other materials are described on the application form as a black felt roof (which again differs to the submitted plans), and grey UVPC windows and doors.

Whilst it is acknowledged that the proposed materials (either those indicated on the proposed plans or those described on the form) would not match the existing dwelling and would be of a more contemporary finish, it is considered that the garden room would not be likely to cause unduly detrimental harm to the character and appearance of the dwelling or the area. The proposed garden room would be erected towards the rear of a deep garden, benefitting from soft landscaping surrounding the garden room, reducing the impact on the character of the dwelling and from public vantage points.

Furthermore, although it is recognised that this is an application for planning permission, it is noted that outbuildings in rear gardens in Conservation Areas are allowed under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) with no planning permission required, subject to the relevant conditions and limitations. There are no restrictions on the materials for outbuildings in these instances, which implies that at a national level, the impact of an incidental outbuilding at the rear of a property is considered to be acceptable and would not unduly harm the character of an area.

Therefore, it is considered that the concern raised about the materials in this situation is not sufficient in itself to justify a refusal of planning permission and the matter can be appropriately dealt with by a materials condition to secure exact details of the proposed materials.

Overall, the proposal is therefore, on balance, viewed to be acceptable with regard to the character and appearance of the existing dwelling and area. As such, the proposed development would be in keeping with this part of the Welwyn Garden City Conservation Area in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan; Emerging Local Plan Policy SADM15; Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

Would the development reflect the character of the dwelling?

Yes No 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):

Due to the location and nature of the proposal, it is considered that the proposed development would have a minimal impact on the residential amenity of the surrounding neighbouring properties and is considered acceptable. As such, the proposal is in accordance with Policy D1 of the Welwyn Hatfield District Plan, Policy SADM11 of the Welwyn Hatfield Local Plan 2016, the Welwyn Hatfield Supplementary Design Guidance 2005 and the National Planning Policy Framework.

Would the development provide / retain sufficient parking?

Yes No N/A

Comment (if applicable):

Other considerations

Use of building

The application form states that the proposed garden room would be compliant with the requirements of the 1968 Caravan Act and would therefore be permitted development. However, a householder planning application has been applied for as the application site is in a Conservation Area and the applicant would like to secure full planning permission for reassurance instead.

The submitted application form and plans imply the proposed garden room complies with the legal definition of a caravan. If this is the case, the unit may not result in operational development of the land or result in a material change of use of the land, which would mean planning permission would not be required. A caravan is defined by the Caravans Act and includes any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) with maximum dimensions of 20m x 6.8m with an internal height not exceeding 3.05m. The submitted plans and elevations show

the maximum dimensions above are not exceeded but do not provide any more information about whether or not the structure would be permanent or temporary in nature and the plans appear to show it positioned on a concrete slab. However, it is important to emphasise that although this noted, this is an application for planning permission, and it has been assessed on the grounds of the proposal being applied for as a garden building that requires permission. For these reasons, whether or not it would technically meet the definition of a caravan is not crucial to determining the application.

The proposed structure would share the same vehicular and pedestrian access as the main house, and it would not have its own curtilage. It would comprise of a garden room/gym/home office. Whilst the proposed plans do not indicate the internal room layouts, these uses are described on the floor plans and on the form. The use of the proposed outbuilding in the manner described in the application would therefore be a use that is part and parcel of the use of the existing dwellinghouse. An informative will be added to the decision notice to remind the applicants that the outbuilding is for an ancillary/incidental use to the main dwelling only and any use for a separate purpose, such as a separate dwelling or a business/commercial use, would require a separate grant of planning permission.

Conclusion

Subject to the suggested condition the proposed development would be in accordance with the relevant national and local planning policies.

Conditions:

1. No development above ground level (beyond slab level) shall take place until full details of any materials to be used in the construction of the external surfaces of the building hereby approved 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 maintaining the character and visual amenity of the area, in accordance with the Welwyn Hatfield District Plan 2005; Policy SADM15 of the Welwyn Hatfield Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

DRAWING NUMBERS

2. 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
0		Block and location plan	15 May 2023
1		Proposed floor plan	15 May 2023
2		Proposed elevation	15 May 2023
3		Proposed elevation	15 May 2023

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. You are hereby advised that the garden room hereby approved is for use for purposes ancillary to the residential use of the dwelling known as 55 Longroft Lane and any use for a separate purpose, such as a separate dwelling or a business/commercial use, would likely require a separate grant of planning permission.
2. You are advised that whilst Planning Permission/Consent has been granted for the proposed development, Estate Management Consent is also required. You are advised to not commence with the development hereby approved until that Consent is sought and granted.
3. 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.
4. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
5. 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.
6. 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.
7. 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:

Ms Emily Stainer
11 August 2023