



aj/1128/WHBC/Obj/A

Mr. R. Lee
Planning Department
The Campus
Welwyn Garden City
AL8 6AE

30 November 2020

Sent by email only to :-

planning@welhat.gov.uk & r.lee@welhat.gov.uk

Dear Mr. Raymond Lee

I am writing on behalf of the owner of n° 71, Pine Grove, Brookmans Park, Hatfield AL9 7BL to raise formal objections to the retrospective planning application (*planning ref: 6/2020/2857/FULL*)

The retrospective planning application is seeking to obtain planning permission for a variation to the original planning consent (*Planning ref: 6/2018/0215 FULL*) which permitted the erection of a pair of part single, part two storey semi-detached dwelling houses with landscaping/off street parking. The variations have been triggered by inaccurate survey drawings which resulted with the rear elevation extending further than envisaged beyond the rear elevations of immediate adjoining properties known as 71 and 75 Pine Grove. The partially implemented development is on hold pending the outcome of retrospective consent application.

"The proposed development would be unduly dominant when viewed from the nearest first floor rear window which serves the master bedroom and private rear garden of No.75 Pine Grove. Furthermore, there would be significant loss of sunlight to the nearest first floor rear window and private rear garden directly beyond the rear bi-fold doors for a large proportion of the day. Consequently, harm to the living conditions of the occupiers of No.75 would result in conflict with Policy D1 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005 and the National Planning Policy Framework."

Whilst the refusal decision was welcomed it is not accepted that the unauthorised element of the approved development at n° 73 Pine Grove does not have any harmful effect on n° 71 Pine Grove.

The current retrospective application has made no attempt to improve its relationship with n° 71 Pine Grove and this is no doubt encouraged by the outcome of the previous retrospective application decision and Delegated Officers report. This is not accepted for the following reasons:-

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Drawing inaccuracy

It would appear the relationship of the proposed development at n° 73 Pine Grove with n° 71 remains suspect. Indeed the rear projections are increased by 1.75m when compared with the approved scheme and 870mm shorter than the “as built” reality in the retrospective scheme. (Refer to Fig 1 and 2). The number of revisions to the site plan between the approved revision “B” to current revision “J” speaks volumes.

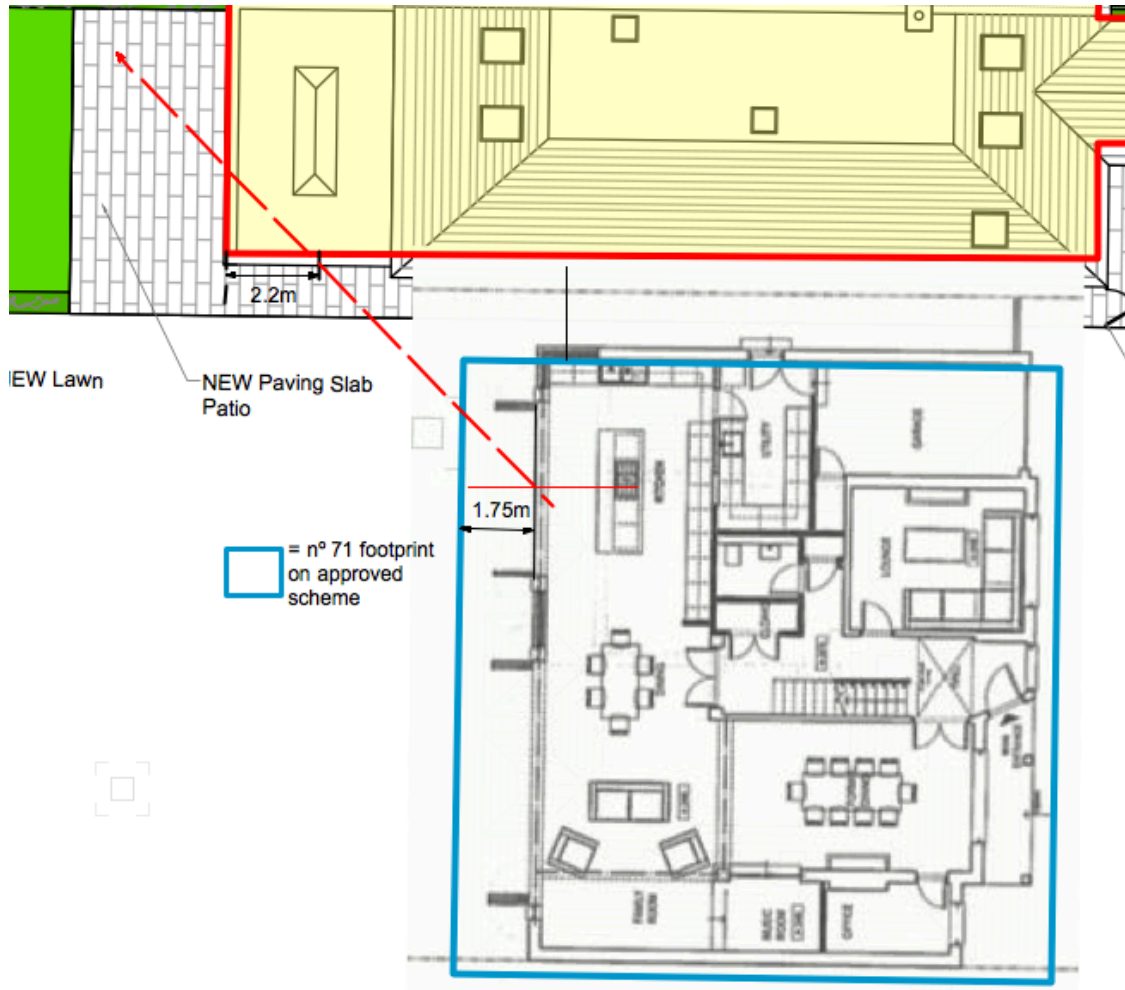


Fig 1. Marked up extract planning application plan 73PG-11 rev “B”

Loss of Outlook and Sense of Enclosure

The retrospective applications are effectively seeking consent for “rear extensions ” and the Welwyn Hatfield District Plan Supplementary Design Guidance sets out three fundamental criteria for residential extensions as follows:-

“the extension should not cause loss of light or be unduly dominant from adjoining properties, as a result of either a) the length of projection, b) the height or c) the proximity of the extension.”

There will inevitably be a marked increased loss of outlook and sense of enclosure for n° 71 Pine Grove when you compare the approved scheme at n° 73 Pine Grove and its false relationship with n° 71 Pine Grove.

The following marked up plan (fig 2) illustrates the fact the rear single storey addition at n° 71 Pine Grove will impinge upon the 45 degree “line of sight” taken from the centre of the established rear ground storey elevation glazed doors at n° 71 Pine Grove by 2.2m . This is significant and will therefore be undoubtedly harmful. This projection also part represents the current unauthorised and controversial rear projection beyond that approved of approximately 1.75m when compared with the approved “Proposed Site Plan” (ref 73PG-11 rev “B”). As such this increased rear projection at single storey level (*at the very least 1.75m*) is considered to be in breach of planning guidance that is aimed at avoiding as in this case “overly dominant projections” consequent to their length and height.

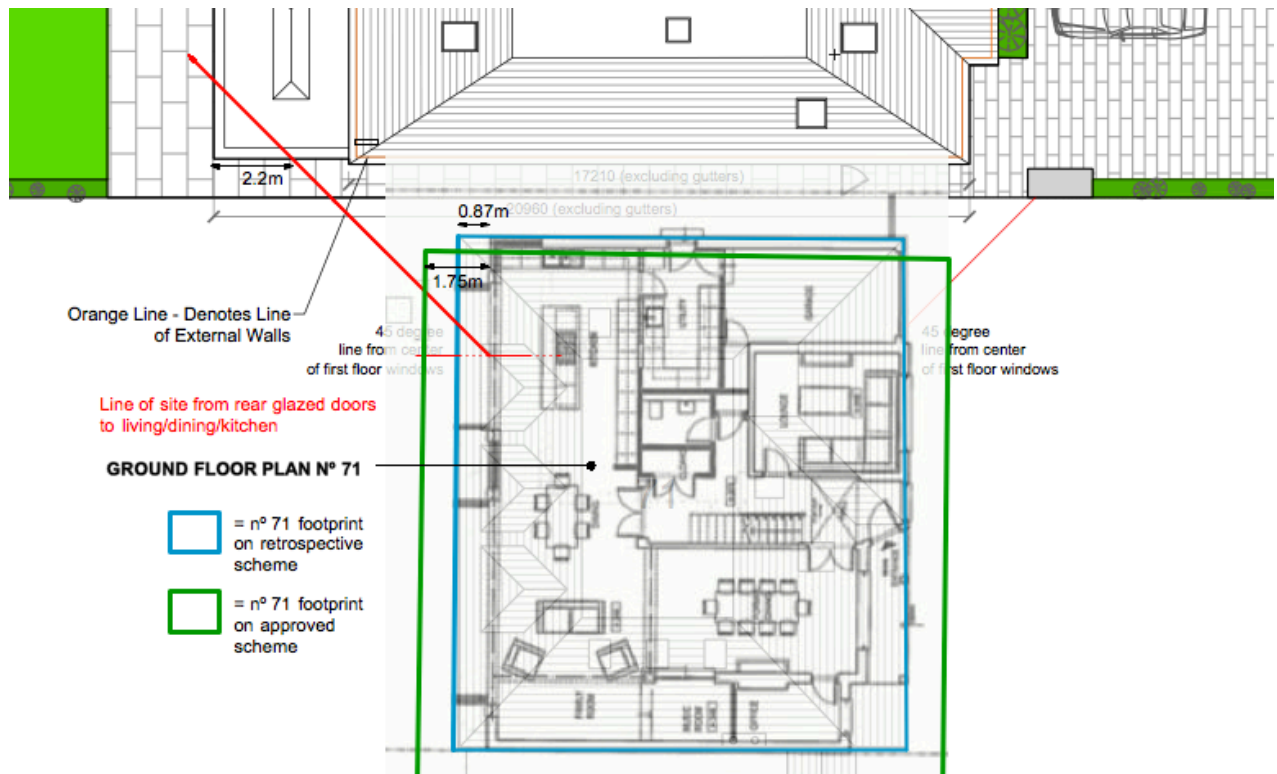


Fig 2. Marked up extract planning application plan 73PG-11 rev “J”

Whilst it is acknowledged the proposed rear first storey element of n° 73 Pine Grove does not pose any impact on daylight or sun lighting for n° 71 the fact remains it is effectively projecting an additional 1.75m into the rear garden when compared with the approved 2018 scheme despite the removal of permitted development rights to safeguard against further extensions. Its location within 1.0m from the flank site boundary will inevitably have a visual dominance effect as indeed evident on site.

The fact that two storey rear extensions under permitted development rights need to be set 2.0m away from the flank boundary speaks volumes. It is therefore considered reasonable to expect the rear first storey projection to be reduced in length more in line with the approved relationship with n° 71 Pine Grove and this will effectively help avoid what is considered to be an uncharacteristic staggered rear elevation and roof design proposal.

The suggestion that a 3.1m high single storey rear extension within 1.0m of the 1.8m high site boundary fence will not have any visual impact should be challenged.

Over development

The original Planning Case Officer for the approved development at n° 71 Pine Grove (*planning ref: 6/2018/0215 FULL*) had highlighted in the Delegated Officer report that the risk of Permitted Development rights giving rise to further extensions was a concern and that this should be eliminated by removing “Permitted Development” rights. The statement read:-

“The two new dwelling houses would benefit from permitted development rights. The proposed development has been carefully designed to be in keeping with the character and context of the area. Additionally, given that the proposed dwellings would already extend beyond the rear of the adjacent properties, further extensions built within permitted development would likely impact upon the living conditions of neighbouring properties, with particular regard to daylight and overbearing impact. Therefore, in the interest of maintaining good design and protecting the living conditions of neighbouring occupiers it would be reasonable to impose a planning condition withdrawing permitted development rights for extensions, enlargements and alterations under Classes A and B for the new dwellings”.

This corroborates the fact that the approved development was considered to be on par with “over development”. Indeed the approved new build scheme was reluctantly accepted as the effective limit of development. *Point to note.* Prior approval for large residential extensions can give rise to 6m rear projections with 3.0m eaves height or in excess of 3.0m for parapet walls. There is a proviso that immediate neighbours’ express permission is required for such proposals to enable prior approval to be obtained and this speaks volumes in this case as such express permission would not be granted.

Fire safety

The size, number and grouping of windows in the flank elevation (*which is within 1.0m from the boundary*) is a concern as there is no reference made to the requirement under Building Regulations to respect “spread of Flame and Heat”. The use of obscure glass and the restriction of openings to be no lower than 1.7m above internal finished floor levels is acknowledged as a reasonable planning condition. However, this does not address spread of flame and heat in the event of a fire and this will inevitably give rise to variations to the window design as the minimum unprotected areas has been significantly exceeded and compromised. Whilst it is appreciated this is a “Building Regulation” as opposed to a “Planning” issue, it is considered this matter should be raised with Building Control as it can materially affect the flank elevation design and ventilation of habitable rooms in particular the first-floor bedroom which is a planning matter.

Summary

The approved development at n° 73 Pine Grove (*planning ref: 6/2018/0215 FULL*) is currently invalid as a consequence of its relationship with the immediate adjoining dwelling houses being grossly inaccurate with consequent adverse impact on n° 71 Pine Grove and in many respects that of n° 75 Pine Grove.

The retrospective attempt to justify unauthorised building works and the significant variation in relationship of the rear ground and first storey elements with adjoining properties is a concern as it has an inevitable adverse effect consequent to overly dominant rear projections creating a sense of enclosure and loss of outlook. It is considered to be over development and also diminishes the quality of design by staggering the rear elevation at the expenses of losing the softening of pitched and hipped rooflines.

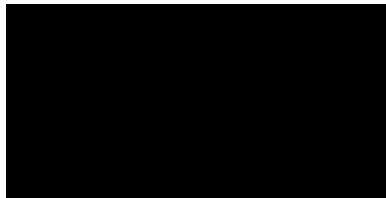
Fire safety issues and consequential planning implications must be addressed with Building Control.

The ground storey rear projection should beat the very least set back by 1.75m from the proposed rear elevation or preferably be rebated and part set away from the flank boundary line to respect the 45 degree "line of sight from" n° 71 Pine Grove.

The proposed rear elevation should be set back equally for both proposed semi-detached properties to respect the original design and true relationship with n° 71 and avoid uncharacteristic bulky roof forms.

The fact remains the proposed development at n° 73 Pine Grove has materialised as an overly dominant development at the rear consequent to misleading site plans and setting out at the time of approval and implementation respectively. The approved scheme suggested the development was similar in character, size and relationship to the immediate adjoining properties which have already capitalised on their development potential. The necessary correction and adjustment to respect the relationship of the development with its neighbours is considered reasonable and should be actively encouraged/enforced.

Yours faithfully



Andrew Jones RIBA
ANDREW JONES ASSOCIATES LTD

Copy. Mr M Henry