



aj/1128/WHBC/Obj/A

Mr. R. Lee
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30 November 2020

Sent by email only to :-

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Dear Mr. Raymond Lee

I am writing on behalf of the owner of n° 75 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

A recent attempt to obtain retrospective planning consent was refused (consequent to issues related to adverse impact on n° 75 Pine Grove. The grounds for refusal were stated as follows:-

“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.”

The current retrospective application has simply attempted to address the grounds for refusal by simply setting back the first storey element of the nearest semi-detached property by 1.8m. This is not accepted for the following reasons:-

Daylighting, Sun lighting and Outlook

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.”

Indeed, the previous retrospective application failed on issues related to this criteria and the current application is considered no different.

There has been no attempt by the applicant to demonstrate that the combined loss of “Sunlight” and “Daylight” over long periods during the day will not be harmful and this should be remedied.

The 45 degree “line of sight” taken from the centre of the nearest adjoining property first floor window on drawing 73PG-11 rev “ J ” is incorrect as it does not consider the fact the rear elevation of n° 75 Pine Grove is angled 3° towards n° 73. This increases the calculated 1.8m set back by 300mm to 2.1m. (Refer to Fig 1.) .

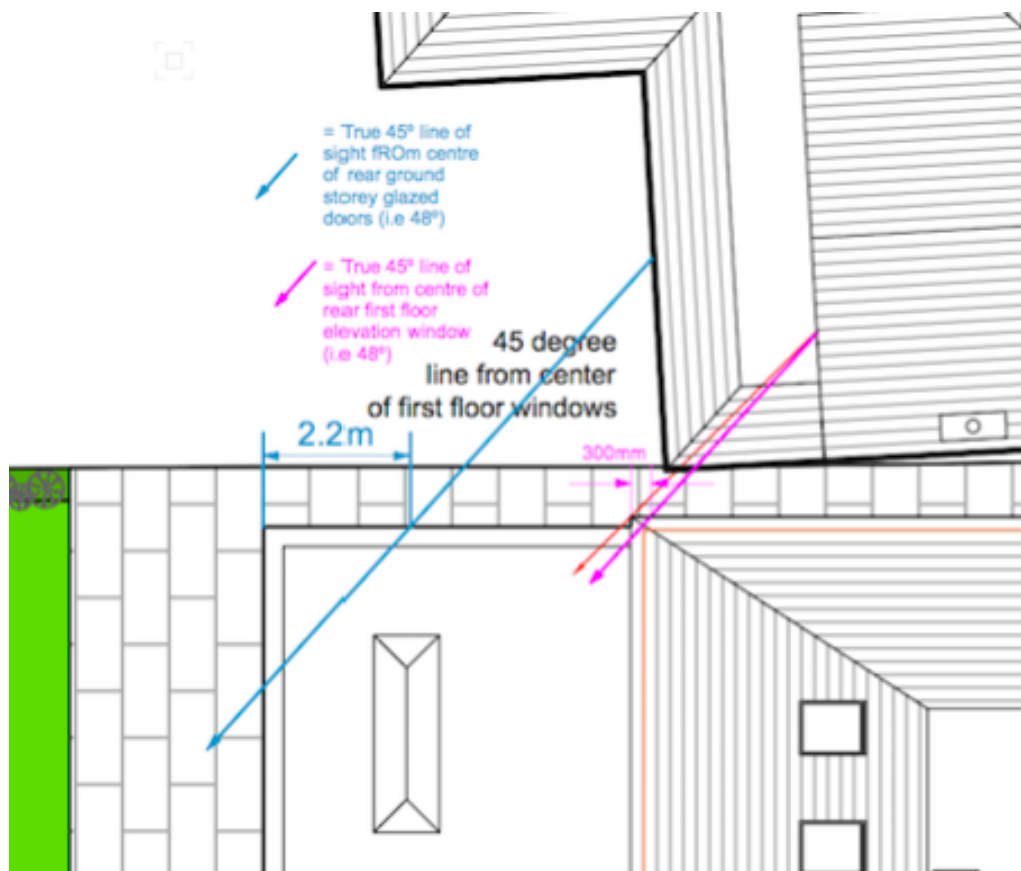


Fig 1. Marked up extract planning application drawing 73PG-11 rev “J”

You should also note the rear single storey addition at n° 71 Pine Grove will impinge upon the 45 degree “line of sight” taken for the centre of the established rear ground storey elevation glazed doors at n° 75 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 the furthestmost rear elevation/build line at n° 75 or more to the point an effective rear single storey extension of approximately 1.5m 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 1.5m*) is considered to be in breach of planning guidance that is aimed at avoiding “loss of light” and /or “overly dominant projections” consequent to their length and height. (Refer to “**design**” below”)

There will inevitably be a marked increased loss of outlook and sense of enclosure for n° 75 Pine Grove when you compare the approved scheme at n° 73 Pine Grove and its false relationship with no 75 Pine Grove. 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.

The proposed 1.8m set back of the first storey rear elevation needs to be increased by 0.3m to 2.1m coupled with the elimination of the visual and lighting impact caused by the “effective” 1.5m rear ground storey extension.

Design

The design quality of the proposed pair of semi-detached houses will be adversely affected by the introduction of a staggered relationship between the rear elevations of the new dwelling units. The resultant projecting sheer gable elevation will be at odds to the original design intention and more to the point will be out of character of the rear garden “street scene.” (Fig 2) Indeed it will look clumsy and bulky and is considered in breach of the requirement to ensure a high quality of design is achieved respecting character of the area bulk, and scale. The “street scene” elevations provided by the applicant focus on the frontage only which of course does not change and fails to support the rear elevation as amended The following 3D sketch viewed from n° 75 Pine Grove seeks to illustrate the visual impact of the staggered relationship being proposed.

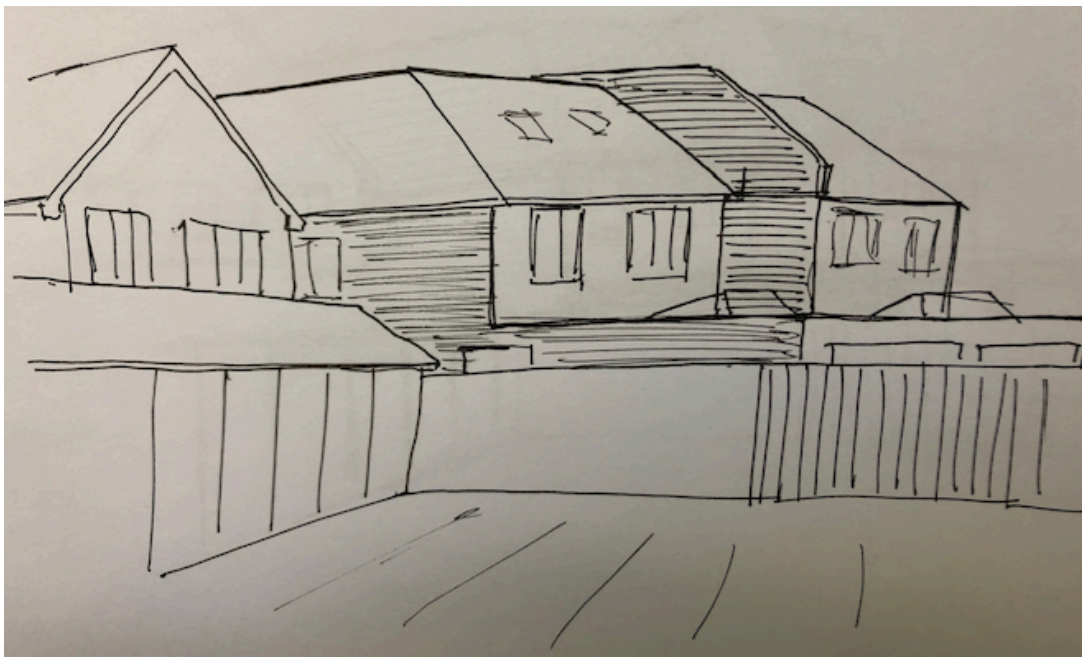


Fig 2. Proposed development at n° 71 Pine Grove with staggered rear elevation viewed form n° 75 Pine Grove

The retention of the unauthorised extended ground storey footprint by 1.5m coupled with the setting back of the first storey by 2.1m will result with a larger unsightly flat roof area when viewed from the first-floor rear elevation windows at n° 75 Pine Grove.

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° 75 Pine Grove and in many respects that of n° 71 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 on sunlight/daylighting and loss of outlook due to overly dominant rear projections. It is considered to be an over development and also diminishes the quality of design by staggering the rear elevation at the expense of losing the softening of characteristic pitched and hipped rooflines.

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

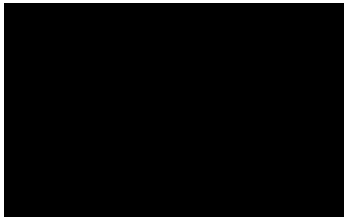
The first storey element should be set back at the very least by 2.1m as opposed to the offer of 1.8m with the added corroborated support of Sunlight and Daylighting calculations.

The ground storey rear projection should at the very least be set back by 1.5m 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 the n° 75 Pine Grove glazed doors.

The proposed rear elevation should be set back equally for both proposed semi-detached dwelling houses to respect the original design 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 R Borghese