

**WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>N6/2013/309/FP</b>
<b>APPLICATION Site:</b>	<b>71 Eddington Crescent, Welwyn Garden City</b>

**NOTATION:**

The site lies within the town of Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The site is a two storey semi-detached dwelling house measuring approximately 6m deep and 7.8m wide. It is bounded to the front (west) by front gardens and the street, north by an access road and rear garden boundary fence and to the east (rear) by parking garages. The house adjoins No.73 to the south, which projects approximately 2.5m further towards the rear (south-east) than its rear elevation. This projection forms the southern boundary of the site, after which the boundary fence to No.73 forms the remainder of the rear garden southern side boundary.

The majority of the rear garden is designated as 'Urban Open Land'. Another application for a similar rear conservatory has been submitted at the adjacent property at No.73. Permitted development rights for rear extensions were removed in the original permission for both of these properties.

**DESCRIPTION OF PROPOSAL:**

The proposal seeks the erection of a conservatory approximately 3m wide, abutting the (windowless) ground floor flank wall of No.73, extending 5m deep. It would measure 2.3m from ground to eaves level, feature a 600mm high dwarf wall at its base and upvc glazing units above. It would feature a sloping roof extending 1m above eaves height, with a ridge height 3.3m above ground level.

**PLANNING HISTORY:** None

**SUMMARY OF POLICIES:**

National Planning Policy Framework

Hertfordshire Structure Plan Review 1991 – 2011:  
None

Welwyn Hatfield District Plan, 2005:  
SD1: Sustainable Development

GBSP2: Towns and Specified Settlements  
R3: Energy Efficiency  
D1: Quality of Design  
D2: Character and Context  
OS1: Urban Open Land

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

**CONSULTATIONS:** None

**TOWN/PARISH COUNCIL COMMENTS:** None

**REPRESENTATIONS:**

None, period expired 15/03/2013

**DISCUSSION:**

The main issues are:

1. **Principle of development**
2. **Character and appearance**
3. **Impact on the residential amenity of adjoining occupiers**
4. **Sustainable development**
5. **Protected species**
6. **Other planning considerations**

#### **1. Principle of development**

The site lies in the specified settlement of Welwyn Garden City. Policy GBSP2 says that development in such areas will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt Boundaries. Accordingly, as the proposed development lies within the existing specified settlement of Welwyn Garden City, the principle of the development proposed is considered acceptable subject to compliance with Policies GBSP2, D1 and D2 of the District Plan.

#### **2. Character and appearance**

The National Planning Policy Framework emphasises that high quality design is a core principle of planning and attaches great importance (para.56) to design. Policies GBSP2, D1 and D2 of the adopted Welwyn Hatfield District Plan apply 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 which requires that residential extensions should be complementary in design and be subordinate in size and scale to the existing dwelling. The impact of a development is assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area.

Whilst the application site does not benefit from permitted development rights for single storey rear extensions, the depth of the proposal at 5m would exceed the permitted development thresholds set out in those rights and accordingly such a

proposal would require planning permission. A depth of 5m would usually be considered incompatible with the character of the parent property for such an extension, but the siting and characteristics of the site and adjoining property are considered to mitigate the impact of its depth in this instance. This is because the proposal would abut a featureless flank wall for its first 2.5m adjacent to No.73, thereby limiting its projection beyond the built form of these properties on this (southern) side to 2.5m. On its northern side, it would be considerably set back (south) from the northern side elevation boundary of the parent property due to its slim 3m width, situated 4.8m south of the far (north) side of the rear elevation of the parent house. Accordingly, alongside its limited single storey height, its impacts in terms of mass, bulk and scale would primarily be confined to the projection of 2.5m beyond the adjoining property at No.73, on the southern side of the rear elevation of the parent house, with its impacts from the northern side limited due to its setback and siting.

The solid elements of the proposal would be limited to a 600mm high dwarf wall and the structural and glass framing components, with the majority of the extension featuring glazing panels. Accordingly, the character of the proposal would primarily be that of a translucent structure with minimal visual bulk, which would not appear overly prominent or out of keeping with the character of the area or of the parent or adjoining property due to its siting, materials, scale and design. Whilst located in 'Urban Open Land', due to its limited mass, bulk and scale, it would not jeopardise the value or reinforcement of the land as open land as the primary function and majority of the rear of the plot would remain as residential garden/amenity space and would not affect playing pitches, thereby according with policy OS1 in this regard.

Accordingly, the proposal is considered to represent a sufficiently high quality design which would be compatible with the maintenance and enhancement of, and respect and relate to, the character and context of the area, in accordance with policies GBSP2, D1, D2 and OS1 of the District Plan, the Supplementary Design Guidance, 2005, and the NPPF.

### **3. Impact on the residential amenity of adjoining occupiers**

The impact of the proposed development on the residential amenity of neighbouring dwellings is considered in terms of how the proposal impacts properties in terms of overshadowing and the level of access to day/sun/sky light afforded by the proposal, whether the proposal would be overbearing and cause loss of outlook, and in terms of overlooking/privacy.

The proposal would not impact upon the amenities of properties to the north, west or east as the house is semi-detached with no adjacent properties adjoining it in those directions, and due to the siting of the conservatory to the south recessed corner of the rear elevation, adjacent to No.73.

The plans show the side elevation adjoining No.73 of the same building line as the parent dwelling, therefore meaning it would adjoin the boundary treatment (fence) between the rear gardens of both properties rather than replace it. Accordingly, this would afford screening at a lower level, although it would project above the fence height. Notwithstanding this, the conservatory would be limited in scale to single storey height, with the majority of its bulk limited to eaves height at 2.3m above

ground level, above which the roof would slope towards the ridge height reaching a maximum height of 3.3m above ground level. The first 2.5m depth of this bulk would adjoin a featureless flank wall to No.73, with only 2.5m projecting beyond the rear elevation/building line of No.73. Furthermore, the impact of its bulk and mass with regard to the above criteria would be curtailed by the glass material through which a large degree of light could still pass. Due to the limited depth of the conservatory beyond the rear elevation/building line of No.73, and its limited eave and ridge heights, and the materials (glass) proposed above the base brick layer, the proposal is not considered to result in discernible impacts to the residential amenities of the occupiers of the adjacent properties with regard to the above criteria to a degree which would warrant refusal.

Whilst an application is underway for a conservatory at No.73 which would feature the same rear (eastern) elevation building line as the proposal, that application has not yet been determined nor have the works taken place. Accordingly consideration of the potential impacts of the proposal on the residential amenities of the occupiers of No.73, including impacts on the use of their rear garden as amenity space, as it exists at present, has taken place, in case the works on that site do not gain approval or do not take place. Should permission be granted for this proposal, a condition could be attached to ensure that the glazing/windows on the south/south-east side elevation, adjoining the rear garden of No.73, are obscurely glazed and fixed shut. This would mitigate the possibility of direct overlooking and harm to the amenities of No.73 when using their rear garden.

Accordingly the proposal is not considered to result in a detrimental impact to the residential amenities of the occupiers of neighbouring properties and is therefore considered compliant with policy D1 of the District Plan in this regard.

#### **4. Sustainable development**

The application has included a sustainability checklist which notes that the proposed conservatory would maximise passive solar gain. Given the limited extent of the works in this application, it is considered that this provision is a reasonable effort to meet the requirements of Policy R3 of the Welwyn Hatfield District Plan 2005.

#### **5. Protected species**

The presence of protected species is a material consideration, in accordance with the National Planning Policy, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981). The existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 and amended 2012 Regulations further.

#### **6. Other planning considerations: None**

**CONCLUSION:**

The proposal would sufficiently maintain the character and appearance of the property and surrounding area. It would not impact on the residential amenity of neighbouring dwellings and would be sufficiently energy efficient.

**CONDITIONS:**

- 1. C.2.1 Time limit for commencement of development
- 2. C.13.1 Development in accordance with approved plans/details: drawings titled: 1:200 Site Plan & 1:100 existing and proposed floor plans & 1:100 proposed side and rear elevations received and dated 19 February 2013.
- 3. C.7.9 The windows in the south/south-east side elevation adjacent to the rear of No.73 shall be obscurely glazed and fixed shut and shall be retained in that form thereafter.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005

**Post Development**

- 3. C5.2 Matching materials

**SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:**

The proposal has been considered against the National Planning Policy Framework, and Development Plan policies SD1, GBSP2, R3, D1, D2 and OS1 of the Welwyn Hatfield District Plan 2005, and the Supplementary Design Guidance, Statement of Council Policy, 2005, in addition to the Human Rights Act 1998, which, at the time of this decision indicate that the proposal should be approved. The decision has also been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 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 inspected at these offices).

**INFORMATIVES:** None

**Signature of author..... Date.....**