

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

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| APPLICATION No: | N6/2011/0961/FP |
| APPLICATION Site: | 107 Eddington Crescent |

NOTATION:

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

DESCRIPTION OF SITE:

The application site is located to the south of the town centre and on the southern side of the highway. The surrounding area comprises of a semi and terraced house that are located in modest plots and designed around a central theme. Within the surrounding area a few small single storey additions have been added to the rear of properties. Permitted development rights were removed in the original permission for these properties.

The application site is approximately 26 metres in depth and 8.8 metres wide. It comprises of a two storey semi-detached dwelling with front and rear associated gardens. There have been no previous additions to this dwellinghouse. The dwelling is finished with facing brickwork and a tile roof. In the rear garden area, but to the south east of the dwellinghouse is a detached garage.

DESCRIPTION OF PROPOSAL:

The application seeks planning permission for the erection of a conservatory to the rear of the dwellinghouse.

The conservatory would be located on the north western side of the rear elevation. The conservatory would have a brick base that would match the brickwork in the original dwellinghouse, on top of which would be a uPVC frame. It would be 3 metres deep, 2.9 metres wide and a maximum height of 3.1 metres to the ridge.

PLANNING HISTORY:

None

PLANNING POLICY:

National Policy:

PPS1: Delivering sustainable development

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

East of England Plan 2008:

SS1: Achieving Sustainable Development

ENV7: Quality in the Built Environment

T14: Parking

Hertfordshire Structure Plan Review 1991 – 2011:
None

Welwyn Hatfield District Plan 2005:
SD1: Sustainable Development
GBSP2: Towns and specified settlements
R3: Energy Efficiency
M14: Parking standards for new developments
D1: Quality of design
D2: Character and context

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS

None

TOWN/PARISH COUNCIL COMMENTS

None

REPRESENTATIONS

The application was advertised by neighbour notification letters and site notice. One letter of representation was received. Period expired 12 July 2011.

The letter of representation raised no objection the development in principle. It raised concern with the high level windows in the north western elevation and the light that would reflect from these into the adjoining site and increase the heat of the patio area.

DISCUSSION:

The main issues are:

- 1. Impact on the character and appearance of the surrounding area.**
- 2. Impact on the amenity of neighbouring properties.**
- 3. Parking Provision.**
- 4. Sustainable Development.**
- 5. Protected Species**
- 6. Other material planning considerations**

1. Impact on the character and appearance of the surrounding area

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.

This application proposes a modest scale conservatory to the rear of the dwellinghouse, which would be clearly subordinate to the scale of the original dwellinghouse. Sited to the rear of the dwellinghouse, the conservatory would not be visible within the street scene and would not, therefore, alter its visual amenity when viewed from that perspective. Similarly, the 1.8 metre high boundary treatments that encase the rear garden would ensure the proposal would not be a prominent feature to the rear of these dwellings. The brickwork used in the base of the conservatory is proposed to match the existing. In addition, sufficient amenity space would be retained to the rear of the dwellinghouse for the enjoyment of the occupiers of this dwelling and the proposal would not result in an overly cramped form of development.

In the context of the wider area, the proposal would not be out of keeping with the single storey extensions and conservatories that have already been erected on other dwellings or granted planning permission within the street scene.

It is considered that proposed conservatory, by virtue of its siting, scale, form and detailed design would maintain the character and appearance of the original dwellinghouse in accordance with policies GBSP2, D1 and D2.

2. Impact on the amenity of neighbouring properties

The impact of the proposed development on the residential amenity of neighbouring dwellings is considered in terms of the impact on neighbouring properties access to day/sun/sky light, overbearing and privacy.

The letter of representation raised concern with regard to the high level windows in the north western elevation and the light would reflect from them into the adjoining site – 109 Eddington Crescent. Whilst sunlight may reflect off these windows at a certain point in the day, it is not considered that this would materially increase the heat on the patio area to the rear of 109 Eddington Crescent or that this impact could be considered as a material planning consideration. Consideration could be given to the potential overlooking that could occur from these windows, which would be located above the line of the boundary fence. These windows are, however, proposed to be of obscure glazing and incapable of opening. To ensure that this is the case and to ensure that an unacceptable level of overlooking does not occur, this application will be subject to an appropriately worded condition.

Giving consideration to the scale of the proposal, the siting of windows in the adjoining properties and the orientation of the dwellings, it is considered that the proposed conservatory would not have an unreasonable impact on the daylight or sunlight afforded to the neighbouring residency, have an overbearing impact or the level of privacy currently enjoyed by the neighbouring residents. It is considered that subject to a condition that the proposal would not have a detrimental impact on the amenity of adjoining occupiers in accordance with Policy D1.

3. Parking Provision

Parking is considered in terms of the maximum standards outlined in the Council's Parking Standards, Adopted January 2008. For the purposes of these standards the application site is within Zone 4.

The proposed development would not increase the requirement for on-site parking spaces and the proposed development would not alter the number of parking spaces

provided within the site. It is therefore considered that the proposal would comply with the requirements of Policy M14.

4. Sustainable Development

The applicant has submitted a statement assessing the proposals against the sustainability checklist contained within the Supplementary Design Guidance. The proposals are considered to be in accordance with policies R3 of the District Plan and SD1 of the Supplementary Design Guidance.

5. Protected Species

The presence of protected species is a material consideration, in accordance with PPS9 (Biodiversity and Geological Conservation), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: *"a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."* The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals, however the existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would an EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

6. Other Material Considerations

East of England Plan 2008: On 10th November 2010, The High Court quashed the decision of the Secretary of State for Communities and Local Government to unilaterally revoke Regional Spatial Strategies in England on two grounds:

- That he acted outside his statutory powers in circumventing the need for parliamentary scrutiny of such a fundamental change to the national planning system; and
- He failed to consider the likely environmental effects of revoking Regional Strategies.

Whilst the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Bill, which began its passage through Parliament at the end of last year, the policies in the East of England Plan are re-established and form part of the development plan again and are therefore a material consideration which can be taken into account in reaching a decision.

The application has been considered against policy(ies) in the East of England Plan, which at the time of this decision forms part of the development plan for the borough.

CONCLUSION:

It is considered that the proposal, by virtue of its siting, scale, form and design, would maintain the character and appearance of the surrounding area and would not have a detrimental impact on the amenity of neighbouring properties. Sufficient on-site parking provision is maintained and the proposal has sufficiently addressed the aims

sustainability aims of the Development Plan. There is not a reasonable likelihood of EPS being present on site nor would an EPS offence be likely to occur.

RECOMMENDATION: APPROVAL

1. C.2.1 – Three Year Time Limit
2. C.13.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details 1:200 Block Plan & BDS 1112/03/1/A received and dated 26 May 2011 unless otherwise agreed in writing by the Local Planning Authority.

POST DEVELOPMENT

3. C.5.2 - Matching Materials
4. C.7.9 - The windows proposed in the north western elevation of the conservatory shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.8 metres above floor level, 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.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION:

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPS9 East of England Plan 2008 policies SS1, ENV7, T14 and development plan policies GBSP2, SD1, R3, M14, D1 and D2 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan.

INFORMATIVES:

None

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