

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>N6/2011/2738/FP</b>
<b>APPLICATION Site:</b>	<b>5 De Soissons Close, Welwyn Garden City</b>

**NOTATION:**

The site lies within the Welwyn Fringes Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The application site comprises of a ground floor flat within a three storey building located towards the end of a cul-de-sac. To the rear of the building is a small parcel of greenspace bordered by 6ft high fencing beyond which is Stanborough Park.

**DESCRIPTION OF PROPOSAL:**

The proposal seeks planning permission to replace the existing ground floor sash window on the rear elevation forming the main bedroom with French doors. The existing glazing bar design will be maintained within the windows of the French doors.

**PLANNING HISTORY:**

N6/2004/0083/FP – Redevelopment of site with 10 houses and 14 flats. Granted 18<sup>th</sup> October 2004

**SUMMARY OF POLICIES:**

National Policy

PPS1: Delivering sustainable development

PPS9: Biodiversity and Geological Conservation

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV7: Quality in the Built Environment

Welwyn Hatfield District Plan, 2005:

SD1: Sustainable Development

GBSP2: Towns and Specified Settlements

R3: Energy Efficiency

D1: Quality of Design  
D2: Character and Context  
RA10: Landscape Regions and Character Areas

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

**CONSULTATIONS:**

None received

**TOWN/PARISH COUNCIL COMMENTS:**

None received

**REPRESENTATIONS:**

This application has been advertised by neighbour notification letters and no representations have been received. Period expired 27<sup>th</sup> January 2012

**DISCUSSION:**

**The main issues are:**

- 1. The impact of the proposal on the design and character of the dwellinghouse and surrounding area**
- 2. The impact of the proposal on the amenity of adjoining properties**
- 3. Other material planning considerations**

**1. The impact of the proposal on the design and character of the dwellinghouse and 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.

The proposal would be located to the rear of the building and therefore its viewpoint from the streetscene would be limited. The existing glazing bar design would be maintained within the proposed French doors. Whilst no doors exist on the rear elevation of the building, its design is not considered to detract from the existing character of the building and would be of a scale which is in keeping with the existing windows in accordance with policy GBSP2, D1 and D2 of the Welwyn Hatfield District Plan, 2005.

**2. The impact of the proposal on the amenity of adjoining properties**

Policy D1 and the supplementary design guidance paragraph 5.2 (Section 5 Residential Extensions) states in part iii) the extension should not cause loss of light

or be unduly dominant from adjoining properties, as a result of either the length of projection, the height or the proximity of the extension. In addition paragraph 5.7 states that new extensions should be designed, orientated and positioned in such a way to minimise overlooking between dwellings.

The addition of French doors on the rear elevation of the property are not considered to result in a detrimental loss of amenity to neighbouring properties to warrant refusal. Whilst the French doors will allow easier access to the rear of the building from the property itself, no fencing or means of enclosure exist between the ground floor properties or to either side of the building overall and therefore access to the rear of the building is not prohibited by any of the residents to be used as recreational space. The proposal therefore complies with policy D1 of the Welwyn Hatfield District Plan, 2005.

### **3. Other Material Planning Considerations**

**Landscape Character Area:** Policy RA10 states that proposals for development in the rural areas will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located. The application site is located within the Welwyn Fringes Landscape Character Area. The objectives of this area are to improve and restore. Taking into consideration the scale of the proposal, it is not considered to detract from these objectives. The proposal therefore complies with policy RA10 of the Welwyn Hatfield District Plan, 2005.

**Sustainable Development:** Policy R3 states that the council expects all development to include measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping. The development does not propose any specific measures however the applicant has submitted a sustainability checklist in accordance with policy SD1 and R3 of the Welwyn Hatfield District Plan, 2005.

**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.

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 further.

**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

However, the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Act. In the meantime, 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. However, the Government's intention to abolish Regional Spatial Strategies is also a material consideration that could be considered to reduce the weight to be attached to policies in Regional Spatial Strategies.

The application has been considered against policies in the East of England Plan, which at the time of this decision forms part of the development plan for the Borough but that the weight accorded to these policies, in light of the above circumstances, has been carefully considered in reaching a decision.

#### **CONCLUSION:**

The proposed development is considered acceptable in terms of its size, scale and design and would not have a detrimental impact on the amenity of either the property or the surrounding area. The proposal is considered to comply with the policies listed above.

#### **RECOMMENDATION: APPROVAL WITH CONDITIONS**

Application N6/2011/2738/FP should be **APPROVED** subject to the following conditions:

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details 01 received and dated 13<sup>th</sup> December 2011

#### **Post Development**

3. The materials to be used in the construction of the French doors shall match that of the existing windows.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

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

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPS9, East of England Plan 2008 policies SS1, ENV7 and development plan policies SD1, GBSP2, R3, D1, D2 and RA10 of the Welwyn Hatfield District Plan

2005, in addition to the Human Rights Act 1998, which, at the time of this decision indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

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