

**WELWYN HATFIELD BOROUGH COUNCIL
ASSISTANT DIRECTOR (PLANNING)**

DELEGATED APPLICATION

Application No: 6/2023/1500/HOUSE
Location: 16 Brockwood Lane Welwyn Garden City AL8 7BG
Proposal: Erection of single storey rear extension, alterations and extension to rear dormer windows, insertion of rooflight into existing rear extension, installation of air conditioning unit.
Officer: Ms Louise Sahlke

Recommendation: Refused

6/2023/1500/HOUSE

Context	
Site and Application description	<p>16 Brockwood Lane is a two-storey terraced property. The property is located within the Welwyn Garden City Conservation Area and the dwelling is set within a verdant landscaped setting.</p> <p>The proposal seeks planning permission for the erection of a single storey rear extension, alterations and extensions to rear dormer windows, the insertion of a rooflight into the existing rear extension and the installation of an air conditioning unit.</p>
Constraints (as defined within WHDP 2005)	<p>CA - Conservation Area: WGC1; - Distance: 0 SAG - 0 - Distance: 0 EM - Estate Management - Distance: 0 GB - Greenbelt - Distance: 23.42 LNR - Local Nature Reserve(Sherrardspark Wood) - Distance: 23.42 ROW - FOOTPATH (WELWYN GARDEN CITY 048) - Distance: 23.42 UOL - Urban Open Land (Proposal map 2) - Distance: 34.64 Wards - Handside - Distance: 23.42 Wards - Sherrards - Distance: 0 CP - Cycle Path (National Cycle Network) - Distance: 0 CP - Cycle Path (CYCLEABLE ROW / AGREEMENTS) - Distance: 8.36</p>
Relevant planning history	<p>Application Number: N6/2013/1078/FP Decision: Refused Decision Date: 23 July 2013 Proposal: Erection of part single, part two storey rear extensions</p> <p>Application Number: N6/2013/1626/FP Decision: Granted Decision Date: 23 September 2013 Proposal: Erection of part single storey and part two storey rear extension</p>

	Application Number: 6/2023/1499/HOUSE Decision: Refused Decision Date: 15 September 2023 Proposal: Loft conversion with 2 dormers to rear and insertion of rooflight		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 13 September 2023 Site Notice Expiry Date: 4 October 2023 Press Advert Display Date: 9 August 2023 Press Advert Expiry Date: 31 August 2023		
Summary of neighbour responses	None.		
Consultees and responses	WHBC Public Health and Protection – No objection subject to condition. Herts & Middlesex Bat Group – No comments received. Herts & Middlesex Wildlife Trust – No comments received. Hertfordshire Ecology – No comments received.		
Relevant Policies			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes R19 Noise and Vibration Pollution <u>Welwyn Hatfield Draft Local Plan Proposed Submission August 2016 (Incorporating the Proposed Main Modifications January and June 2023):</u> SP1 Delivering Sustainable Development SP4 Transport and Travel SP9 Place Making and High-Quality Design SADM2 Highway Network and Safety SADM11 Amenity and Layout SADM12 Parking, Servicing and Refuse SADM15 Heritage SADM18 Environmental Pollution			
Main Issues			
Design (form, size, scale, siting) and Character (appearance within the streetscene). Impact on the Conservation Area.	<u>Context</u> The site is located within the Welwyn Garden City Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area. Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:		

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 199 of the NPPF outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation.

Paragraph 201 states that where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial, Paragraph 202 states that this should be weighed against the public benefits of the proposal.

Paragraph 206 of the NPPF notes that Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.

Emerging Policy SADM15 is consistent with the NPPF but adds that successive small-scale changes that lead to a cumulative loss or harm to the significance of the asset or historic environment should be avoided.

Emerging Policy SP15 aims to protect Welwyn Garden City's historical significance and unique heritage as a garden city. It states that proposals for new development should protect, conserve and where appropriate enhance its heritage assets. All development proposals, through their design and detailing, will be required to demonstrate that they have responded to the key characteristics of a Garden City.

Further, District Plan Policy GBSP2 notes that development within the specified settlements will be limited to that which is compatible with the maintenance and enhancement of their character. Policies D1 and D2 require the standard of design in all new development to be of a high quality and that all new development respects and relates to the character and context of the area in which it is proposed, maintaining and where possible enhancing the character of the existing area. These Policies are consistent with the chapter 12 of the NPPF which emphasises the importance of good design as a key aspect of sustainable development.

The Council's Supplementary Design Guidance (SDG) outlines, amongst other things, that:

- Extensions should be designed to complement and reflect the design and character of the dwelling and be subordinate in scale.
- Dormer windows should be contained within the roof slope, be subservient to the roof of the property and be in proportion to the existing fenestration of the property. They must not extend above the ridge height of the existing dwelling and the dormer cheeks should be at least 1 metre from

the flank wall of the property or of the party wall with the adjoining property.

The character and appearance of much of Welwyn Garden City has a quality that consists of carefully designed layouts with formal patterns where the design of architecture is in groups and individual buildings. This part of Welwyn Garden City is characterised by terraced, detached and semi-detached properties and by substantial soft landscaping and trees.

A review of the planning history for Brockswood Lane has taken place, and there are no similar examples of such developments being granted. Examples of single storey rear extensions are a maximum of 4.5 metres in depth.

Assessment

The proposed air conditioning unit would be utilitarian in design. The supporting information states that it would be approximately 80 x 70 x 40cm in size and the proposed elevation/floor plan demonstrates the design would be located on the side of the existing cat slide roof.

The air conditioning unit would project approximately 0.4 metres from the existing flat surface of the rear of the dwelling at first floor level. It would be visible from neighbouring properties when looking towards the property and from rear gardens. However, it would not be unduly visible from the main vantage points in the street scene. The proposed air conditioning unit, due to its limited size, minimal level of projection from the building and obscured position, would not conflict detrimentally with the appearance of the existing dwelling. Therefore, this is considered acceptable in regards to planning policy.

The proposed rear extension seeks to extend an existing extension by infilling an existing gap. The proposed rear extension would extend the existing rear extension by a proportionate 1.5 metres in depth and extend across the width of the whole property. The height of the rear extension would be maintained as existing. However, in combination with the existing depth of the rear extension, the overall depth would be approximately 5 metres in depth.

The proposed rear extension by virtue of its bulk, size, and massing, would fail to be a subservient addition at approximately 5 metres in depth from the original rear elevation of the dwelling. Therefore, it is considered that it would not respect the character and appearance of the existing dwelling or the terrace to which it is situated. This combined with the other elements of the proposal is considered poor design within the Conservation Area.

The existing rear dormer windows are contained within the roof slope. The right-hand dormer window forms part of an adjoining pair of dormer windows with the neighbouring property, 18 Brockswood Lane and the left hand dormer window is set in from the boundaries.

The proposed windows panes are broadly in proportion to the existing fenestration of the property, albeit not fully aligned. However, the proposed dormer windows would be larger than the existing dormer windows on the first-floor level in regards to height by 0.2 metres and width (by 0.6/0.7 metres). The combination of the larger sized dormers and the position of the left hand dormer window on the existing cat slide roof increases their prominence within the roof space. They would also be disproportionate to one another, due to

	<p>their different widths.</p> <p>The proposed rear dormer windows, by reason of their bulk, size, and massing, would result in a cluttered appearance which fails to relate to or complement the existing extensions to the roof form and as such would conflict with the position of the existing dormer by extending to the edge of the existing cat-slide roof in situ. They would also fail to comply with all of the requirements of the SDG.</p> <p>The proposed development would result in less than substantial harm to the Conservation Area. Consequently, Paragraph 202 of the NPPF requires this harm to be weighed against the public benefits of the proposal. No public benefits have been identified which would overcome the identified harm. When weighed against the great weight afforded by the NPPF to the conservation of heritage assets, it is not considered that any identified benefits of the development would outweigh the harm caused to the significance of the Conservation Area.</p> <p>Accordingly, the proposal fails to preserve or enhance the character or appearance of the Conservation Area. In this respect, the proposal is contrary to Emerging Policies SP15 and SADM11. The development also fails to comply with the conservation requirements of the NPPF and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. There is additional conflict with District Plan Policies GBSP2, D1 and D2 and Emerging Policy SP9 in so far as these policies only permit development of high quality design which maintains the character and appearance of the area.</p>
<p>Impact on neighbours</p>	<p>The proposed development in regard to a loss of privacy, outlook, daylight, sunlight and overdominance would be acceptable in terms of the amenity of the neighbouring properties in accordance with the National Planning Policy Framework, Policies D1 and D2 of the District Plan 2005 and the SDG 2005.</p> <p>Turning to noise, the Council's Public Health and Protection Team have stated that no information has been provided in regards to the level of noise generated by the proposed air conditioning unit. However, a condition has been suggested. It is considered that in the event of an approval, the suggested condition should be amended to be a 'prior to installation' style condition which would ensure the air conditioning noise levels could be met.</p> <p>Therefore, subject to a suitable noise condition in the event of permission being granted, the proposed air conditioning unit would not have an adverse impact on the residential amenity of the occupiers of neighbouring buildings or nearby properties in relation to the provisions of the Policies R19 and D1 of the District Plan 2005 and Policy SADM18 of the Draft Local Plan Proposed Submission 2016 and the National Planning Policy Framework.</p>
<p>Access, car parking and highway considerations</p>	<p>Policy M14 of the District Plan 2005 and the Parking Standards SPG use maximum standards and are not consistent with the NPPF. Nevertheless, the Council has adopted an interim Policy for Car Parking and Garage Sizes 2014 which identifies the car parking standards set out in the SPG Parking Standards as guidelines rather than maximums. Applications are determined on a case-by-case basis, taking into account of the relevant circumstances of the proposal, its size, context and its wider surroundings. The onus is on the applicant to demonstrate through the submitted information that the level of car parking would be appropriate.</p>

	<p>The property would retain the same number of bedrooms and the property has sufficient space on the frontage for at least two on site car parking spaces. It is also located within reasonable walking distance of the town centre.</p> <p>Therefore, the proposal provides adequate on-site parking to accommodate the proposed development. Accordingly, the proposal complies with Policies D1, D2 and M14 of the District Plan 2005, the Supplementary Design Guidance 2005, the Supplementary Planning Guidance on Parking Standards 2004, the Interim Parking Guidance 2014 and the NPPF.</p>
Other matters	The Council's Public Health and Protection Team have recommended a number of conditions and informatives. It is considered that the hours of noise condition would be amended to an informative in the event of permission being granted, as hours of building operation would fall under Environmental Health legislation. All other informatives would be included.
Conclusion	
The proposed development would be in conflict with the relevant national and local planning policies.	

Reasons for Refusal:

1. The proposed rear extension would fail to be a subservient addition at approximately 5 metres in depth from the original rear elevation of the dwelling. Therefore, it is not considered to respect the character and appearance of the existing dwelling or the terrace to which it is situated. The proposed rear dormer windows, by reason of their bulk, size, and massing, would also fail to complement or relate to the existing, more subservient and traditional design of the existing roof form, resulting in a cluttered appearance. The proposed development would therefore fail to respect the character of the dwelling or preserve or enhance the character and appearance of the Welwyn Garden City Conservation Area and would be contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, the Welwyn Hatfield Supplementary Design Guidance 2005, Policies SP9 and SADM15 of the Welwyn Hatfield Draft Local Plan 2016, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
5753-OS1		Location plan	18 July 2023
5753-E01	A	Plans and elevations as existing	18 July 2023
5753-OS2	A	Block plan	25 July 2023
5753-P01	E	Proposed plans and elevations	27 September 2023

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 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 viewed on the Council's website or inspected at these offices).

Determined By:

Ms Emily Stainer
6 October 2023