

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	N6/2010/3084/FP
------------------------	------------------------

NOTATION:

The site lies within the settlement of Welwyn Garden City and the Central Welwyn Garden City Conservation Area as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application property is located along Brockwood Lane which runs east west from Bridge Road, leading from the centre of Welwyn Garden City towards the Great North Road. The initial part of the road from Bridge Road is lined on both sides with residential properties. They are predominantly two storey with pitched roofs and rendered white or built from brick.

The application property is distinctively different from all other properties within the locality. It is a detached two storey property, with rooms in the roof space, located on a large plot at the top of a hill on what was originally the approach road into Welwyn Garden City. It is sited to the rear of the plot and overlooks its own garden. The property is a mix of visual features based on both classical neo Georgian and Arts and Crafts architecture.

DESCRIPTION OF PROPOSAL:

The application seeks planning permission for the erection of a single storey flat roof extension and a single storey pitched roof extension.

The circular flat roof extension would be to the rear of the property and would infill the gap to the rear of the dwelling between a protruding two storey side and rear element of the property. It would have a ridge height of approximately 3.5m. The mono pitched extension would be to the side of the property and would have a width of approximately 2.2m, depth of some 4.7m and overall ridge height of approximately 3.1m.

Two roof lights are also proposed in the front elevation of the dwelling which would face towards No. 74 Brockwood Lane. However they would not require planning permission.

PLANNING HISTORY:

Pre-application advice given on 1 November 2010. No concerns raised with the size and scale of the extensions, but they should be designed with a flat roof, characteristic of the garden city.

N6/2001/0303/FP: Swimming pool enclosure. Approved.

N6/1998/0991/FP: Proposed detached double garage following demolition of existing garages. Approved.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

East of England Plan 2008

SS1: Achieving Sustainable Development

SS2: Overall Spatial Strategy

ENV6: The Historic Environment

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

D8: Landscaping

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

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

CONSULTATIONS

Landscaping – No objections subject to a condition requiring protective fencing for the trees.

TOWN/PARISH COUNCIL COMMENTS

None

REPRESENTATIONS

This application has been advertised and 0 representations have been received. Period expired.

DISCUSSION:

The main issues are:

- 1. Whether the proposal would preserve or enhance the character and appearance of the surrounding area;**
- 2. Whether the proposal would impact on the residential amenity of the neighbouring properties;**
- 3. Whether an adequate level of parking provision would be provided;**
- 4. Whether the development would impact on Protected Species;**
- 5. Whether there would be an impact to protected trees; and**
- 6. Other Material Planning Considerations**

1. 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 site is also located in the Central Welwyn Garden City Conservation Area, therefore due consideration must be given to ensure that new development makes a positive contribution to the character and local distinctiveness of the environment. The consideration of design should include scale, height, massing, alignment, materials and use in accordance with the policies of PPS5 – Planning for the Historic Environment.

The proposed extensions would increase the mass and bulk of the building, although the existing lobby would be removed as part of the development. However the floorspace they would cover is relatively small and they would be sited to the rear/side of the property and would not be visible from a public view point. The extensions have also been designed to integrate with the existing property with a flat roof and mono pitched roof which would not detract from the architectural detailing of the original dwelling. Therefore it is considered that the proposed development would be subordinate in scale to the existing and dwelling and would not be unduly dominant.

In relation to the detailed design and appearance of the extensions, the rear circular extension has been designed with a flat roof which is characteristic of the garden city. However, the proposed side extension has been designed with a mono pitched roof, which is unusual of the garden city. However, this extension would replace an existing lobby room which is also designed with a mono pitched roof. Additionally, the applicant has submitted a justification with the application to seek to overcome this concern. It refers to the proposed design of this extension making reference to the original features of the house and states that the profile and detail of the utility area roof is a direct reference to the profile and detail of the west facing parapet roof. Whilst it is unusual to have mono pitched roofs in the garden city, the dwelling is a unique design distinctive from all other properties within the locality and together with the existing mono pitched extension in this location, the size of the proposed extension, the design of the extension which would reflect the original property and that the proposed development would not be visible from a public view point, it is considered in this instance, a mono pitched would not be unduly detrimental to warrant the refusal of the application.

With regard to the fenestration and architectural detailing of the original property, it would be reflected within the proposed extensions. Additionally the materials would match the existing property. However a condition would be placed on any permission granted, seeking to approved the materials prior to development commencing.

Overall the proposed extensions are considered to be subordinate to the original dwelling and sympathetic to the form and style of the existing property. It would have no discernible presence in the street scene and would not be unduly harmful to the character and appearance of the area, conserving this part of the Central Welwyn Garden City Conservation Area and would thus comply with PPS1, PPS5 and policies GBSP2, D1 and D2 of the District Plan.

2. 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, privacy and overshadowing. Policy D1 of the District Plan applies which seeks to provide a good standard of design in all new development. The Council's SPD on design supplements Policy D1 and expects that residential applications for extensions and alterations 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.

The dwelling is sited close to the side of the plot, adjacent to the boundary with No. 74 Brocksood Lane, which is a two storey semi detached property. The application property is set at an angle on the plot, away from this property. The proposed circular extension would be sited to the front of the dwelling and would not be overly visible from this property. The proposed side extension would be visible from first floor windows at the property. However, given the siting of the proposed extension, which is approximately 9m from the boundary with No. 74, together with its size and scale, it is considered that it would not unduly impact on the occupiers of this property in terms of an overbearing impact or loss of sunlight or daylight.

3. In relation to parking the property, once extended would be a four bedroom dwelling, where in accordance with the Council's adopted parking standards, three parking spaces are required to be provided within the curtilage of the site. The proposed development would not impact on parking or result in the requirement for any further parking on site, and therefore no objection is raised.

4. 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 a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

5. There are a large number of mature trees on the application site, where Policy D8 of the District plan applies, which seeks to protect trees, that have visual amenity value, from development.

The Council's Landscaping department consider that the trees would be a sufficient distance from the development, however it would be important to ensure that the area around the trees is not used for the storage of building materials during the construction process as this could contaminate the soil in the rooting areas.

In conclusion, to ensure that the trees are protected, it is recommended that a condition is attached to any permission given stating that a plan/method statement shall be submitted indicating the type and location of the protective fencing for the trees which should be in accordance with BS 5837:2005.

6. The application has included a sustainability checklist which notes that the proposal would be insulated to meet current building regulation standards. It is considered that these provisions would be a reasonable effort to meet the requirements of Policy R3 of the Welwyn Hatfield District Plan 2005.

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 Bill, which is expected to begin its passage through Parliament before Christmas. 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 would increase the amount of built form at the site, however it would be of a scale and size which would not form an unduly dominant or incongruous addition to the property and would remain subordinate in scale to the original form of the property. The proposal would therefore sufficiently preserve or enhance the character and appearance of the property and conservation area.

The proposed development would not result in an overbearing impact or a loss of privacy. There would be no alterations to parking, the extension would be sufficiently energy efficient and no detrimental impact to protected species, with the inclusion of a suitable condition.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1: Time commencement condition
REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended)
2. C.13.1: The development/works shall not be started and completed other than in accordance with the approved Drawing Nos. 1003/001 & 1003/009 & 1003/039 & 1003/040 & 1003/041 & 1003/042 & 1003/043 & 1003/044 &

1003/045 & 1003/046 & 1003/047 & 1003/048 received and dated 21 December 2010.

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the Local Planning Authority.

Pre-Development

3. C.5.1 Samples of materials to be submitted and agreed
REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

4. No equipment, machinery or materials shall be brought onto the site for the purposes of the development, until a plan/method statement showing the type and location of protective fencing for the trees, in accordance with BS 5837: 2005 has been submitted to and approved by the Local Planning Authority in writing. Subsequently the development shall not be carried out other than in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs.
REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with Policy D8 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, PPS5, PPS9, PPG13, East of England Plan 2008 SS1, SS2, ENV6, ENV7, T14 and development plan policies SD1, GBSP1, R3, D1, D2 and D8 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.....