WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	**W6/2012/0075/EM**
APPLICATION Site:	**3 Mandeville Rise, WGC**

DESCRIPTION OF SITE:
The application site is a two storey, detached residential dwelling located to the north - west of the town centre and on the north - western side of the highway. The site rises to the north – west.

DESCRIPTION OF PROPOSAL:
The application is a resubmission of a previously approved application for a single storey extension on the rear of the dwelling [W6/2011/2223/EM]. The proposed extension would feature a flat roof and would measure approximately 2.5 metres deep, 5 metres wide and 3.1 metres tall.

The changes in this application from the previous application [W6/2011/2223/EM] would involve the replacement of a roof light on the proposed extension with a roof lantern which would protrude approximately 0.3 metres above the parapet of the rear extension. In addition to this, the alterations would involve the removal of a roof light from the approved plans and the replacement of two windows on the side elevation of the proposed extension with one window.

HISTORY:
W6/2011/2223/EM – erection of single storey rear extension – Approved 12 December 2011

W6/2009/0389/EM - Insertion of roof lights to outbuilding - Approved 22/05/2009

POLICIES:
1967 Leasehold Reform Act – Estate Management Scheme

Estate Management Scheme Policies October 2008:
EM1 – Extensions and alterations

REPRESENTATIONS

The application was advertised by means of neighbour notification and no representations were received.

DISCUSSION: The main issues are:

1. **Maintaining or enhancing the character and appearance of the property and surrounding area and the amenities and values of Welwyn Garden City**

2. The impact on the residential amenity of neighbouring dwellings
3. Other material considerations

1. Policy EM1 of the Estate Management Scheme refers to extensions and alterations and seeks to preserve the unique architectural heritage of the town and its buildings.

The proposed rear extension would appropriately feature materials and fenestration to match the existing dwelling and would feature a flat roof design which is characteristic of single storey extensions in the Garden City. The proposed extension would be subordinate in scale to the existing dwelling and would be positioned appropriately on the rear of the dwelling, alongside existing single storey extensions to the property. The extension would feature a roof light but this would only protrude above the proposed parapet by approximately 300mm and would not be visible from the frontage of the street. As such the roof light is not considered to be harmful to the architectural integrity of the property.

The extension would feature a parapet room that would be slightly higher than the existing single storey sections of the building. However, there is an existing single storey section of the building that protrudes above the parapet and the proposal would be located in place of this. Furthermore, the site rises towards the north – western rear and given the height of protrusion at approximately 250mm, the extent of protrusion would not be harmful to the appearance of the frontage of the property to an extent that would warrant the refusal of the application on these grounds.

Subject to the inclusion of matching materials being conditioned in the event of approval, the proposed development would sufficiently maintain the character and appearance of the property and surrounding area and the amenities and values of Welwyn Garden City in accordance with policy EM1 of the Estate Management Scheme.

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 and privacy. The proposed extension would be north - western and would be located alongside existing single storey extensions on the property.

The current application differs from the previously approved application as it would involve the replacement of a roof light on the proposed extension with a roof lantern which would protrude approximately 0.3 metres above the parapet of the rear extension. In addition to this the alterations would involve the removal of a roof light from the approved plans and the replacement of two windows on the side elevation of the proposed extension with one window. In this instance, based on the positioning of the proposed roof lights, roof lantern and side window in relation to the windows on the neighbouring properties, particularly when considered in relation to the distance between the proposed roof lights/windows and the neighbouring windows, the proposal is not considered to impact adversely on the privacy of the adjoining neighbouring property to an extent that would warrant the refusal of the application on these grounds.

3. **Protected Species:** The presence of protected species is a material consideration, in accordance with Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981. 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.

CONCLUSION:

The proposed development would sufficiently maintain the character and appearance of the property and surrounding area and would not impact on the residential amenity of neighbouring dwellings. The proposal would therefore sufficiently maintain the amenity and value of Welwyn Garden City.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

EM01.a – 1. This consent shall expire three years after the date hereof (or such other extended date as the Council may agree) unless the works hereby approved shall be completed before that date.

2. All works carried out in pursuance of this consent shall be and remain part of the Premises and shall be subject to the terms and conditions of the conveyance in all respects as if such works had at all times formed part of the Premises.

3. This consent or copy hereof shall be annexed to the Conveyance.

4. There shall be no encroachment over the boundary of the plot either above or below ground level, nor any interference with the foundations of the adjoining property without the agreement of the adjoining owner or lessee.

5. This consent now issued is given by the Council only in accordance with the requirements of the Management Scheme/Conveyance or Leasehold Covenants.

REASON: To comply with the requirements of the Estate Management Scheme

6. C.13.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details: 2011/47/03 & 2011/47/01C received and dated 12 January 2012 unless otherwise agreed in writing by the Local Planning Authority.

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.

7. EM03.a - The brickwork, bonding, mortar and architectural detailing (including soffits, eaves, external pipe work and guttering) of the approved extension shall match that used in the existing dwelling, unless otherwise agreed in writing by the Council.

REASON: To protect the character and appearance of the original building and the amenities of the area in accordance with the requirements of the Leasehold Reform Act 1967 Estate Management Scheme for Welwyn Garden City and policy EM1

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

It is considered that the proposed development does not have an unacceptably harmful impact on the residential amenity or the character of the area in which it is located. It is therefore in compliance with the Estate Management Scheme

INFORMATIVES: None

Signature of author…… Date……..