

**WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT  
DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>N6/2012/1537/FP</b>
<b>APPLICATION Site:</b>	<b>42 Brockwood Lane</b>

**NOTATION:**

The site lies within the Specified Settlement of Welwyn Garden City and the Welwyn Garden City Conservation Area as designated in the Welwyn Hatfield District Plan 2005. The site is also located within 500m of Sherrardspark Wood, a site of Special Scientific Interest, designated principally for the extensive area of woodland.

**DESCRIPTION OF SITE:**

The application site comprises of a semi-detached, two storey dwelling, with white finished render and a cement tile hipped roof, which is typical of its type in the area. Similar to a number of properties within the locality, the site features a garage, which lies close to the west boundary of the property. The garage was converted to office space in 2006.

**DESCRIPTION OF PROPOSAL:**

The application seeks full planning permission for the formation of a single storey side extension and a single storey rear extension. This would connect the outbuilding of the converted garage with the main house and provide a glass-structured orangery to the rear of the property. The development of the converted garage would extend forward by approximately 2.7m, whilst the rear extension would add approximately 2.4m to the rear of the property, with the height being around 2.8m. The proposal would also feature a rear patio, which would include sliding folding doors replacing the existing dining room door and fenestration.

**PLANNING HISTORY:**

C6/1984/0349/ - Two storey rear extension and extension to rear of garage.  
Approved - 1984

N6/2001/0383/FP – Single Storey Rear Extension. Approved - 30/04/2001

W6/2001/0384/EM – Estate Management Consent regarding above extension.  
Approved – 30/04/2001

W6/2006/0240/EM – Conversion of garage. Approved - 11/05/2006

**SUMMARY OF POLICIES:**

National Planning Policy Framework

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV6: The Historic Environment

ENV7: Quality in the Built Environment

Hertfordshire Structure Plan Review 1991 – 2011:

None

Welwyn Hatfield District Plan 2005

SD1: Sustainable Development

GBSP2: Towns and Specified Settlements

R3: Energy Efficiency

D1: Quality of Design

D2: Character and Context

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

**CONSULTATIONS:** None received

**TOWN/PARISH COUNCIL COMMENTS:** None received

**REPRESENTATIONS:**

This application has been advertised and no representations have been received.

Period expired 23/08/12

**DISCUSSION:**

The main issues are:

1. Character and Appearance
2. Residential Amenity
3. Other Material Planning Considerations

**1. Character and Appearance**

Policies GBSP 2, D1 and D2 of the adopted Welwyn Hatfield District Plan are relevant. Collectively, these policies seek to encourage development of a high

design standard, which should respect and relate to the character and context of the area in which it is to be sited. Furthermore, the Supplementary Design Guidance (SDG) requests that “extensions should be designed to complement and reflect the design and character of the dwelling and be subordinate in scale.”

In respect to the side extension, this would add to the existing converted garage, resulting with the attachment between itself and the main house. The extension would be seen from the street scene; however, the door and frontage would mirror that of the existing outbuilding, whilst the development would proportionately increase the structure size by approximately 20%. Although the outbuilding has previously been extended, development of this scale would not be harmful to the pattern of development or setting.

The design would be reflective of both the existing garage and the dwelling, of which at present harmonise in respect to character and design. Additionally, the rendering, roof tiles and side door have been chosen to match that of the existing outbuilding.

Therefore the side extension would be appropriately subordinate and reflect the design and character of the existing dwelling.

In consideration to the rear extension, the additional development would be relatively minor in bulk and size, and single storey with a lower ridge height than the existing dwelling. As a result the proposal is considered to be subordinate in respect to the existing dwelling.

It is important to note that there has been a cumulative increase in floorspace against the original dwelling over time, with two previous rear extensions as well as the extension to the garage. However, the proposed increase would not be substantial enough to warrant refusal at this stage and consequently it is still considered subordinate to the original property. Furthermore, a number other dwellings in the surrounding area have also extended to a similar size, including the immediate neighbour of 40 Brockwood Lane. Therefore the scale and bulk of the full proposal would still be in keeping with the character of the area.

The site is located within the Central Welwyn Garden City Conservation Area and therefore the preservation and enhancement of the appearance and character of the area must be considered in accordance with the National Planning Policy Framework (NPPF).

The design for the rear extension would depart from the original architectural style of the dwelling due to its glass structure and circular fenestration. This is also true for the folding doors by the patio, which would replace the existing rear door and its surrounding fenestration. However, the difficulty in reflecting the architectural style with developments such as an orangery and sliding doors is understood. It is also positioned at the rear of the dwelling, screening it from public view. Furthermore, there are a number of similar developments such as conservatories within the area which have impacted on changing the character of the locality.

The proposed rear extension in terms of design and scale would not cause adverse visual harm on the character of the area.

It is therefore considered that the proposal complies with design policies D1 & D2, along with the NPPF and the SDG.

## **2. Residential Amenity**

Local Plan Policy D1 is relevant along with the SDG.

The impact of the proposed development on the residential amenity of neighbouring dwellings is measured in terms of the impact on neighbouring properties access to day/sun/sky light, overshadowing, loss of privacy/overlooking and impact on outlook.

The neighbours most likely to be impacted by the side extension are those at 40 Brockswood Lane, with the development adjacent to the common boundary. Minimal impact in terms of overshadowing and outlook would be caused as the development is modest in scale and distanced appropriately from the neighbouring dwelling. Light and privacy issues would be negligible with no windows proposed on the side walls facing 40 Brockswood Lane.

The rear extension would be screened by the converted garage and so concerns in respect to residential amenity for 40 Brockswood Lane would be minimal. In consideration to the opposite neighbour, the development would have negligible impact on privacy, light, overshadowing and outlook due to being single storey, flat-roofed and distanced approximately 4m from the common boundary.

The patio area would be approximately 8.7m<sup>2</sup> and would step down by approximately 0.5m from the remainder of the garden. This drop in level would ensure against any additional overlooking or privacy issues with the neighbouring dwelling of 40 Brockswood Lane.

The proposal therefore conforms to Policy D1 of the Welwyn Hatfield District Plan and the SDG.

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

### **Protected Species**

The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework, 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 an 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.

### **Sustainable Development**

The application has included a sustainability checklist which notes that the proposal would be insulated to meet current building and Disability Discrimination Act (DDA) 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.

### **CONCLUSION:**

The site has had numerous extensions to cumulatively increase the bulk of the property over time. However, the proposed development is relatively minor in scale and is in proportion to the existing dwelling.

There are concerns regarding design, which departs from the original intentions of the property, particularly in respect to the orangery. However, it is accepted that a development of this nature cannot realistically be in keeping with the existing property and there are a number of existing conservatories already in the area which have impacted on changing the locality's character. Furthermore, attempts have been made to respect the character of the dwelling and the wider area, with matching materials, subordinate development and positioning to the rear where street visibility would be minimal. It is therefore considered to sufficiently comply with

the conservation area guidance set out in the NPPF and policies GBSP2, D1 & D2, along with the SDG located in the district plan.

The proposal is not considered to cause any material harm to residential amenity against any of the neighbouring properties due to its modest size and its positioning and is therefore compliant with policy D1 of the Welwyn Hatfield District Plan 2005.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

**CONDITIONS:**

1. C.2.1 Time limit for commencement of development
2. C.13.1 The development/works shall not be started and completed other than in accordance with the approved plans and details: 0722/01/115 received and dated 20 July 2012 & 077/02/100 & 0722/02/101 received and dated 26 July 2012 unless otherwise agreed in writing by the local planning authority.

**Post Development**

3. C5.2 Matching materials

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

The proposal has been considered against the National Planning Policy Framework, East of England Plan 2008 policies SS1, ENV6, ENV7 and development plan policies SD1, GBSP2, R3, D1, D2 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).

**INFORMATIVES:**

1. Please note that the property falls within the Welwyn Garden City Estate Management area and therefore separate consent is required for the proposed works under the Leasehold Reform Act 1947. Application forms may be obtained from the council website <http://www.welhat.gov.uk>

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