

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

<b>APPLICATION No:</b>	<b>W6/2012/1689/EM</b>
<b>APPLICATION Site:</b>	<b>35 Sherrardspark Road, WGC</b>

**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 southern side of the highway.

**DESCRIPTION OF PROPOSAL:**

The application proposes to erect a dormer window on the south - western elevation of the property. The proposed dormer window would measure approximately 2.2 metres wide, 1.6 metres tall and 1.6 metres deep.

The application also proposes the insertion of a window in the gable end of the property. The proposed window would be the same scale as the existing windows at first floor level in the property.

**HISTORY:**

W6/2009/0250/EM - Erection of replacement shed – Approved 15/04/2009

W6/2006/1619/EM - Erection of single storey rear flat roofed infil extension – Approved 23/01/2007

**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 one representation was received from a neighbouring property at 37 Sherrardspark Road.

Summary of representation:

Object to the proposal on the grounds that it would be to the detriment of the privacy of the neighbouring properties at 37 Sherrardspark Road.

**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. The area surrounding the application site is characterised by the presence of two storey residential dwellings. There are examples of properties in the surrounding area which feature dormer windows.

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 window on the gable end of the property would be constructed of materials to match the existing property and would replicate the scale and design of the windows within the existing property. It would also be positioned appropriately in relation to the existing fenestration of the property. As such, the proposed window would comply with policy EM1 of the Estate Management Scheme.

In terms of the proposed dormer window, it is considered that the existing roof form of the dwelling is simple and uninterrupted. The proposed dormer window would be constructed of materials and fenestration to match the existing dwelling and would be used to serve a staircase to a room that would not be used for habitable accommodation.

The proposed dormer windows would be significant in width which would not be considered to subservient to the roof of the property. However, the applicant has provided supporting information to demonstrate that there are examples of substantial dormer windows in the area surrounding the application site. Reference has been made to examples of dormer windows at 44 and 45 Sherrardspark Road, 18 Roundwood Drive, Mandeville Rise and 7 The Glade. These provide examples of substantial dormer windows, with 44 and 45 Sherrardspark Road being in close proximity to the application site. The scale of the dormers at 44 and 45 Sherrardspark Road are larger than the fenestration at lower levels on the properties (in height at 45 and width at 44). The other examples offered by the agent for the application are not considered to be within the direct vicinity of the application site and therefore their presence can only be given limited weight in considering the current proposal. In addition to 44 and 45 Sherrardspark Road there are examples of dormer windows that were approved in 2008 on the rear of 41 Sherrardspark Road, and these have remained subservient to the roof of the property.

The larger dormer windows that were approved on the above mentioned neighbouring properties is a consideration when determining this application. The fenestration in the dormer windows on neighbouring properties also either reflects the width or height of existing windows within the properties, whereas the proposed window does not do this.

In this instance the proposed dormer window would fail to remain subservient to the roof of the property which would be to the detriment of the character and appearance of the property and the surrounding area and the amenities and values of Welwyn Garden City. The proposal would therefore be contrary to 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, whether it is overbearing and whether it will impact on outlook.

The proposed window in the gable of the property would not look directly onto neighbouring properties and by virtue of its scale and positioning is not considered to impact adversely on the amenity of neighbouring properties.

In terms of the proposed dormer window, The application property is orientated so that the roof slope where the dormer window would be placed would face onto the neighbouring property at 37 Sherrardspark Road. Concerns have been raised by the residents of 37 Sherrardspark Road who believe that the proposed dormer will infringe on their privacy. The applicant has stated that the roof space will not be used as a bedroom and that they would not object to the imposition of a condition in the event of approval requiring the window proposed in the dormer window to be obscure glazed and non opening. In this instance, given that the proposed dormer window would look onto the neighbouring property the use of this condition in the event of approval is considered to be appropriate.

**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 not impact on the residential amenity of neighbouring dwellings to an extent that would warrant the refusal of the application on these grounds. However, the proposal by virtue of the scale of the proposed dormer window would fail to remain subservient to the roof of the property which would be to the detriment of the character and appearance of the property and surrounding area. The proposal would therefore be contrary to policy EM1 of the Estate Management Scheme and would fail to sufficiently maintain the amenity and value of Welwyn Garden City.

**RECOMMENDATION: REFUSAL**

1. The proposal by virtue of the scale of the proposed dormer window would fail to remain subservient to the roof of the property, which would be to the detriment of the character and appearance of the property and surrounding area. The proposal would therefore be contrary to policy EM1 of the Estate Management Scheme and would fail to sufficiently maintain the amenity and value of Welwyn Garden City.

**REFUSED PLAN NUMBERS:** 08-001P received and dated 09 August 2012 & 08-004PC & 08-005PB received and dated 04 October 2012

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