

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	W6/2012/1801/EM
APPLICATION Site:	34 Sherrardspark Road

NOTATION:

The site lies within Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application site comprises of a two storey detached dwelling with a single storey side extension. The house is of neo-Georgian design, with red brick and Georgian style fenestration. The properties within the wider area are of a similar and consistent design, though varying in size.

DESCRIPTION OF PROPOSAL:

The proposal can be split into four areas as follows:

- Erection of a single storey rear extension
- Erection of a single storey side extension, which would increase the size of the kitchen and provide a utility room linked to the garage. This includes the demolition of the single storey outhouse and the removal of the existing ground floor flank wall to the main house
- The forward extension of the most eastward garage to level with neighbouring garage and the removal of the interconnecting wall.
- Increase in width of the existing crossover to 4.8m

In respect to the rear extension, this would be a single storey development in the visual style of a conservatory. It would have a depth of approximately 1.9m and a height of 1.7m, not extending beyond the furthest rear point of the property. Furthermore, the height of the extension would not exceed the ridge height of the existing single storey element of the dwelling.

The side extension would measure approximately 4.9m in length and 2m in height, forming an alignment at the rear with the existing property and essentially filling a gap. The dual garages would be incorporated into a single garage, meaning that the most eastward garage would increase in length by approximately 0.2m to line up with the existing dwelling.

PLANNING HISTORY: None

SUMMARY OF POLICIES:

1967 Leasehold Reforms Act – Estate Management Scheme:
Estate Management Scheme Policies October 2008:
EM1 – Extensions and alterations

CONSULTATIONS: None

TOWN/PARISH COUNCIL COMMENTS: None

REPRESENTATIONS: None

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

Policy EM1 of the Estate Management Scheme is relevant, referring to extensions and alterations. It seeks to preserve the unique architectural heritage of the town and its buildings, by allowing approval only when development is in keeping with design, appearance, materials and architectural detailing used for the existing building.

The proposed extensions would all be in-keeping with the architectural design of the original house, along with matching materials and fenestration. Additionally, the proposals would all be subordinate in comparison, being minor in scale and maintaining a low roof height. Whilst it can be considered that there are three separate proposals, cumulatively these would not add a substantial amount of bulk on to the property and would therefore be appropriate.

Considering the impact of the wider area, the completed proposal would be largely invisible from the street scene, with exception to the alterations of the garage. It is considered that the alterations made to form the single garage would not adversely impact on the visual amenity on the locality due to only minimal adjustments in scale and a visually appropriate frontage. Whilst the new garage would be more visually prominent than existing dual garage, it is considered to be appropriate in scale and would still respect the character of the existing dwelling and area.

The proposal also includes two rear sky lights. These are not considered to be in keeping with the architectural design of the dwelling. However, the development is only minor in scale and would be visually concealed from the street scene.

In regards to the pattern of development within the area, there have been a number of other properties in the locality that have had similar extensions and alterations. Therefore development of this scale and design would not be inconsistent with previous approved applications.

2. The impact on the residential amenity of neighbouring dwellings

Policy EM1 is again relevant, which seeks to protect the amenity and balance of the surrounding area. 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 property most likely to be materially impacted as a result of the development would be the immediate neighbours of 32 Sherrardspark Road. The side extension to the property would be adjacent to the boundary between these two properties. It is proposed to maintain a 1m gap between the development and the boundary line.

The positioning and scale of the development is such that there would be no material impact on the neighbouring dwelling's access to day/sun/sky light and would not cause overshadowing or loss of privacy.

There is the potential for an impact on outlook from the positioning of the side extension. Again however, due to the size and scale of the development, these concerns would not be considered substantial enough to warrant refusal.

The proposed development is therefore considered to sufficiently preserve the amenities and values of Welwyn Garden City in accordance with policy EM1 of the Estate Management Scheme.

3. Other Material Planning Considerations

Protected Species

The presence of protected species is a material consideration, in accordance with the National Planning Policy, 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 neither 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.

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. The development/works shall not be started and completed other than in accordance with the approved plans and details: 397412/1 & Site Location Plan received and dated 23 August 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.

Post Development

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 policies 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**.....