

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	N6/2012/2056/FP
APPLICATION Site:	15 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 a two storey detached dwelling of neo-Georgian design. The site features a rear conservatory and coal sheds to its side, with a front and rear garden. The site is located within a cul-de-sac of five dwellings, which are of varying layout and scale. However, all of the dwellings are articulated from the street, with green space to their front, resulting in a spacious and green area.

DESCRIPTION OF PROPOSAL:

The application seeks full planning permission for the erection of a single storey rear extension to replace the existing conservatory, and the conversion of the existing coal sheds to form a fully enclosed area as part of the house. The rear extension would measure approximately 3.1m in depth, 5.7m in width and 3.8m in height. This would include the use of a rooflight which would measure approximately 0.3m in height, 2.7m in width and 1.4m in depth. The coal shed conversion would measure approximately 6.2m in width, 2.3m in depth and 3.3m in height. The separate developments would overlap each other at one point, at a total depth of approximately 5.5m across 2.0m of width. The total width of development across the property would amount to approximately 9.95m when taking into account the overlap of the two elements of development.

PLANNING HISTORY:

N6/1997/0218/FP – Erection of rear conservatory. Approved 6 May 1997

SUMMARY OF POLICIES:

National Planning Policy Framework

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

SS2: Overall Spatial Strategy

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

D8: Landscaping

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS:

Landscapes and Ecology: Two mature Oaks reside approximately 8m from the existing building. As footprint of building is not going to change, there is unlikely to be an adverse impact upon the trees. However, condition recommended stating that no building materials to be stored within 5m from the base of the trees.

TOWN/PARISH COUNCIL COMMENTS: None

REPRESENTATIONS:

This application has been advertised and no representations have been received. Period expired 27 November 2012

DISCUSSION:

The main issues are:

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

1. Character and Appearance

Policies GBSP2, 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.”

Moreover, as the site is located within the Welwyn Garden City Conservation Area, 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 proposed development remains at ground floor level, but would not include any amendments to the existing footprint of the dwelling. The height of the rear extension would remain relatively unchanged, with an increase in the maximum height by approximately 0.15m against the existing conservatory. This is considered to be a

nominal alteration. The coal sheds conversion would be fully incorporated within the main dwelling and would connect to the rear extension. It would feature a small increase in roof height of approximately 0.8m, to line up in height with the proposed rear extension. Except for a modest rooflight on the rear extension, the proposal features a flat roof, which reduces the visual impact of the development.

Therefore, and after taking into account both elements of the proposal, the development is considered entirely appropriate with regards to its scale.

The development would include matching fenestration and brickwork to the existing dwelling. Furthermore, the existing rear conservatory is not entirely in keeping with the dwelling, and the proposal is considered to enhance its character. It would also be located to the rear of the property and would not be visible from the street scene. It is therefore considered that the development would appropriately reflect the design of the existing dwelling and the surrounding area.

It is therefore considered that the development would appropriately comply with policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the guidance set out within the National Planning Policy Framework.

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 dwelling is set within a site containing a relatively large garden. It is considered that given the scale of the proposal, no inappropriate amenity impacts would result from the development. Therefore it would comply with policy D1 of the Welwyn Hatfield District Plan 2005.

3. Landscaping

Policy D8 of the Welwyn Hatfield District Plan 2005 requires that all development should include landscaping as an integral part of the overall design. The retention and enhancement of key landscaping features such as trees and shrubs, ponds and watercourses will be expected where feasible.

Two mature Oaks reside approximately 8m from the existing building. As footprint of building is not going to change, there is unlikely to be an adverse impact upon the trees as a result of the development. However, after consultation with the council's landscape and ecology department, it was considered that a condition regarding the storage of materials should be attached to appropriately protect the trees. Therefore subject to conditions, the proposal complies with policy D8 of the Welwyn Hatfield District Plan 2005.

4. 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 a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 and amended 2012 Regulations 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 proposal would not feature any alterations in the overall footprint of the dwelling. There would be some slight amendments to the height, but the overall scale and design of the proposal is considered fully appropriate and proportionate to the existing dwelling, and the surrounding area and its conservation area status. There are slight concerns regarding the welfare of two Oak trees; however, these can be appropriately protected through the use of a condition. The development is not considered to cause any detrimental impacts upon the amenity values of any of the neighbouring residents. The proposal would therefore comply with policies GBSP2,

D1, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the guidance set out within the National Planning Policy Framework.

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: HET 1261/01 & HET 1261/02 & Site Location Plan received and dated 4 October 2012 unless otherwise agreed in writing by the local planning authority.
3. There shall be no storage of building materials within five metres of the Oak trees as identified within the application.

REASON: To protect the existing Oak trees in the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

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 SS1, SS2, ENV7 and Development Plan policies SD1, GBSP2, R3, D1, D2, D8 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. The decision has also been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and 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: None

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