

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	N6/2012/2652/FP
APPLICATION Site:	35 Sherrardspark Road WGC

NOTATION:

The site lies within the Conservation Area and excluded settlement of Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF PROPOSAL: Loft conversion with dormer window

PLANNING HISTORY:

N6/2006/1618/FP - Erection of single storey rear flat roofed infill extension - Granted 23/01/2007

N6/2012/1688/FP - Loft conversion with roof dormer window - Withdrawn 04/10/2012

N6/1989/0002/FP - Single storey side extension – Granted

SUMMARY OF POLICIES:

National Planning Policy Framework

Circular 03/09: Costs Awards in Appeals and Other Planning Proceedings

Welwyn Hatfield District Plan 2005

SD1: Sustainable Development

GBSP2: Towns and Specified Settlements

R3: Energy Efficiency

M14: Parking Standards for New Developments

D1: Quality of Design

D2: Character and Context

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS:

BEAMS : Advise that: 'The general advice to the agent has been to slim down the dormer as far as possible, to seek to achieve a vertical emphasis (rather than being more wide rather than tall- with a somewhat squat appearance within the roof). Aligning the dormer with the width of the first floor window below seems a harmonious approach. The submitted drawings are at a small scale- the elevation of the dormer seems roughly square. Proper detailed & dimensioned drawings should be required to make this point clear & also show the edge detailing of the structure & window frames.'

TOWN/PARISH COUNCIL COMMENTS: None

REPRESENTATIONS: 1 Letter of representation was received from the neighbour at No.37 Sherrardspark Road which objected to the proposal. These comments are summarised as follows:

No.37 Sherrardspark Road comments that:

- The photograph on the D&A is not the side of the roof where the dormer is proposed
- The Design Statement refers to 9 other second floor dormers in the area, but 6 of these are on the front elevation and so not comparable. They also do not affect other properties privacy.
- No.13 Mandeville Rise has a different context and the dormer overlooks a brick extension of the neighbouring property rather than the garden
- No.54 Sherrardspark Road have dormers at the front and so there are no privacy issues for neighbours.
- 14 Roundwood Drive is comparable with the application scheme, but the property is not at a 90 degree angle to neighbours, and the window is much smaller than that proposed.
- None of the above dormers are comparable in design or privacy terms.
- No.10 Roundwood Drive has a velux rather than a dormer and it is suggested that this is in keeping with the Council's objectives.
- The proposed dormer is not considered to preserve or enhance the character and appearance of the Conservation Area as it is highly visible and far larger than the other examples.
- The proposed design has retained the internal layout at the expense of the external design.

Period expired 13/02/13

DISCUSSION:

The main issues are:

1. The quality of the design and the impact on the character and appearance of the Conservation Area.
2. The impact on the residential amenity of adjoining neighbours
3. Other Material Planning Considerations

1. The quality of the design and the impact on the character and appearance of the Conservation Area.

Local Plan Policy D1 and the Supplementary Design Guidance are relevant. Local Plan Policy R22 is not a 'saved' policy for development in Conservation Areas and so weight is attached to the requirements of the NPPF in this respect.

Paragraph 137 of the National Planning Policy Framework (NPPF) states:

'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.'

The proposal is to insert a new dormer on the existing roof slope on the south west elevation. This new dormer will be for a new staircase which is required to facilitate the conversion of the loft space at second floor level into habitable accommodation.

The design of the dormer will have a lead formed flat roof and leaded dormer checks. The window will be white painted timber to match the existing windows. The Georgian glazed windows panes are of similar proportions to the original windows of the property. The proposed dormer window is also aligned centrally with the first floor window below. This was also a requirement of BEAMS.

BEAMS have also suggested that the proposed dormer appears somewhat 'squat' and roughly square in shape, however, in terms of proportion it is considered the current proposal is appropriate with the rest of the building. In terms of BEAMS also suggesting the submission of further detailed construction drawings, it is necessary to note that the current drawings are well presented and show in accurate detail the detailing of the proposed dormer. As the building is not listed it would be unreasonable to request more drawings through a planning condition where the current application drawings are of an acceptable standard.

In terms of the quality of the design, and if the dwelling is considered in isolation of its wider context, the scale and design of the dormer reflects the architectural character of the existing property and so would not harm the overall appearance of the south west elevation. It also complies with the requirements of paragraph 5.2 vi) of the SDG. It would be reasonable to impose a planning condition requiring the materials stated on the application drawings and application form to be used on any permission granted to ensure that the quality of the development is maintained.

In terms of the wider visual impact on the Conservation Area the requirements of the NPPF and Local Plan Policy D2 are relevant. The adjoining neighbour has drawn to the Council's attention in written representations, and also in a subsequent telephone call, the fact that this property is on the corner of a road junction and its relationship with No.37 means that the rear of the application property forms the common side boundary with this neighbour. It is commented by this adjoining neighbour that this relationship does not exist for other properties in the area which have dormers which are mainly on the front elevation.

The issue here, however, is not primarily that the dormer can be seen from the streetscene, as this is more apparent on the dormers which exist on the front elevations of other properties, but that the dormer will in effect appear as a side dormer which will be directed towards the side of No.37.

There are other examples of side dormers at No.13 Mandeville Rise and 14 Roundwood Drive which has been referred to by the applicant and No.37, but these are some distance from the application property and so do not contribute to the immediate setting of the application property. Notwithstanding this, these examples do demonstrate that side dormers may not necessarily harm the overall character of the streetscene, wider Conservation Area or the character of the parent dwelling in that particular locality.

It is argued by the neighbour at No.37 that the 90 degree angle of the application property with their side boundary makes a significant difference to how this dormer should be viewed in its context compared to these other examples. The requirement of the NPPF is that proposals are to preserve those elements of the setting that make a positive contribution to it. Local Plan Policy D2 requires the proposal to respect and relate to the character and context of the area.

There are other examples of other dormers Sherrardspark Road including those at No.39 Sherrardspark Road which are of a similar in design being flat roofed and finished in lead. The appearance of the proposed dormer, which would also be visible in the streetscene, would therefore not appear as an alien feature in this locality. The only remaining issue is whether the proposed dormer being to the side rather than say to the front would fail to preserve the elements of the existing setting of this part of the Conservation Area. In this case the appearance of a dormer in this location is not considered to demonstrably harm the character and context of the Conservation Area or fail to preserve the elements of its setting that make a positive contribution to it.

The proposal is therefore considered to comply with Local Plan Policy D1 & D2 and the SDG along with the NPPF.

2. The impact on the residential amenity of adjoining neighbour

Local Plan Policy D1 and the Supplementary Design Guidance are relevant along with the SDG.

The only residential amenity concern for this proposed development is in regard to the privacy for No.37.

The SDG states in paragraph 5.7 that new residential development is to be designed, orientated and positioned in such a way to minimise overlooking between developments, which would affect their internal living areas and private gardens or amenity areas.

There is a requirement therefore to minimise overlooking to No.37 through the design of the dormer. The proposed dormer is centrally located within the roofslope of the application property which means that it will be orientated towards the existing side roofslope of No.37. Direct views will be limited therefore towards the gable end of No.37, although there will be some potential for overlooking to the rear of No.37 from more oblique angles.

The applicant has agreed to have the dormer window obscure glazed and non opening. Such design proposals would ensure that any overlooking that may be possible to towards No.37 would be prevented.

The owner of No.37 in a telephone call has confirmed that even with these measures that there is a concern that there would be a loss of privacy. In terms of planning requirements the use of obscure glazing and the restriction of making windows non-opening is a reasonable approach to protect the privacy of adjoining neighbours. As such, if a planning condition is imposed for obscure glazing and non-opening windows, then there would be no loss of privacy to No.37. The concerns of No.37 that a loss of privacy would result are therefore not accepted.

Overall, the proposal is considered to comply with Local Plan Policy D1 and the SDG as the residential amenity of adjoining neighbours will not be harmed by the proposed development subject to the above planning condition.

3. Other Material Planning Considerations

Parking: Local Plan Policy M14 and the Supplementary Planning Guidance – Parking Standards is relevant. The property is located in Zone 2 where 4 or more bedrooms requires a maximum of 2 parking spaces. As there are at least 2 parking spaces, the proposal complies with Policy M14.

Energy Efficiency: Local Plan Policy R3 is relevant. The application has been submitted with a Sustainability Checklist which states that the existing roof space will provide U – values which are significantly lower than existing. This is considered to meet the requirements of Local Plan Policy R3.

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 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.

CONCLUSION:

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details: 08-001P & 08-005PD & 08-004PD received and dated 19 December 2012

Post Development

3. The dormer hereby permitted shall be constructed with a lead flat roof and dormer cheeks with a white painted timber framed window. These approved materials shall not be changed without the prior written consent of the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

4. The second floor dormer of the proposed extension hereby permitted shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened and shall be retained in that form thereafter.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against the National Planning Policy Framework, and Local Development Plan policies SD1, GBSP2, R3, M14, 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. 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.....