

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

APPLICATION No:	W6/2012/2653/EM
APPLICATION Site:	35 Sherrardspark Road WGC

NOTATION:

The site lies within the Estate Management Scheme of Welwyn Garden City.

DESCRIPTION OF PROPOSAL: Loft conversion with dormer window and insertion of window on front elevation of property.

PLANNING HISTORY:

W6/2012/1689/EM - Loft conversion with roof dormer window and insertion of window in side of property – Withdrawn 04/10/2012

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

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

W6/2005/0439/EM - Partial removal of hedge, and removal of gate posts and gate, to widen existing access and additional hardstanding. – Granted 02/06/2005

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:

2 Letters of representation were received from neighbours of which one supported the proposal and the other objected. These comments are summarised as follows:

Support

No 33 Sherrardspark Road: comment that:

- the scheme will make good use of the large loft

Objection

No.37 Sherrardspark Road: comment 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. Whether the proposal accords with the Policy EM1; and**
- 2. Other Material Planning Considerations**

1. The character and appearance of much of Welwyn Garden City has a quality that consists of carefully designed layouts with formal and symmetrical patterns where the design and detailing of architecture is in groups and individual buildings. Therefore in order to preserve the unique architectural heritage of the town and its buildings the Council expects that all applications for extensions and alterations

respect and do not harm the character and appearance of the building and the street scene.

Policy EM1 of the Estate Management Scheme applies and refers to extensions and alterations and seeks to preserve the unique architectural heritage of the town and its building. It states that extensions and alterations to existing buildings will only be allowed if they are in keeping with the design, appearance, materials and architectural detailing used in the existing building and do not have a detrimental impact on the amenities and values of the surrounding area or the residential amenity of adjoining occupiers.

The proposed extensions would 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.

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 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 Garden City 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 for 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 Garden City 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 Estate Management Scheme seeks to preserve the unique architectural heritage of the town and its building. It states that extensions and alterations to existing buildings will only be allowed if they are in keeping with the design, appearance, materials and architectural detailing used in the existing building and do not have a detrimental impact on the amenities and values of the surrounding 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 Garden City. In this case the appearance of a dormer in this location is not considered to be out of keeping with the design of the parent building or its appearance and architectural detailing. The proposed materials are appropriate and can be subject to condition. As such the proposed dormer is not considered to have a detrimental impact on the amenities and values of the surrounding area

In regards to the proposed second floor gable end window, this would be on the elevation facing onto Sherrardspark Road. There is an existing gable end window which is on the elevation facing onto the main garden area of the dwelling which is of a similar design, but slightly smaller. This is considered to reflect the character of the dwelling and would not harm the appearance of the wider area. It is proposed to use white painted timber to match the existing windows and this is acceptable subject to a condition.

The aim of the Estate Management Scheme is to ensure that the dwellings and street scene are kept in harmony with the original design and concept of the town. It is therefore considered that the proposed dormer and new gable end second floor window would not deviate from the original integrity and character of the building, and would not reflect negatively on the values and amenities of the area.

In addition, the primary policy consideration under the EMS is Policy EM1 which covers extensions and alterations to dwellings, including alterations to the roof. Officers have historically made a subjective judgement based on the prominence of alterations within the streetscenes and the impact of these on the amenities and values of the area. However, whilst this is not a formal policy that has been adopted by the council a report seeking agreement to this approach is currently going through the relevant committee cycle. However, in the meantime officers still continue to receive applications for roof alterations and in the interests of customer service these applications cannot be delayed indefinitely. In this case, because the proposal accords with the provisions of the historical approach that has been taken and the objectives of the draft policy, it is considered that making a decision prior to the formal adoption of this policy approach is expedient and would not undermine the amenities and values of the Estate Management Scheme.

Policy EM1 also considers whether extensions or alterations materially affect the residential amenities of adjoining residents through loss of day/sun/skylight, loss of privacy and outlook.

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

There is a requirement therefore to ensure that the residential amenity of No.37 is not materially affected through the potential of loss of privacy 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.

3. The presence of protected species is a material consideration. 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.

There are no other material considerations.

CONDITIONS:

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1-5. EM01a

6. C.13.1: The development/works shall not be started and completed other than in accordance with 08-001P & 08-005PD & 08-004PD received and dated 19 December 2012

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.

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

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 policy EM1.

8. 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 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 policy EM1.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

It is considered that the proposed development would not have an unacceptably harmful impact on the residential amenity or the character of the area in which it would be located. It would therefore be in compliance with the Estate Management Scheme.

INFORMATIVES: None

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