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15 October 2024

You are requested to attend a meeting of the WELWYN HATFIELD BOROUGH COUNCIL DEVELOPMENT MANAGEMENT COMMITTEE to be held on Thursday 24 October 2024 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE

## **A G E N D A P A R T 1**

1. APOLOGIES & SUBSTITUTIONS

To note any substitution of Committee Members made in accordance with Council Procedure Rules.

2. MINUTES

To confirm as a correct record the Minutes of the meeting held on 12 September 2024 (previously circulated).

3. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 9 AND ANY ITEMS WITHDRAWN FROM THE AGENDA

4. DECLARATIONS OF INTEREST BY MEMBERS

To note declarations of Members' disclosable pecuniary interests, non-disclosable pecuniary interests and non-pecuniary interests in respect of items on the Agenda.

5. 6/2023/2539/FULL SYLVIA ADAMS HOUSE 24 THE COMMON HATFIELD AL10 0ND (Pages 3 - 24)

Report of the Assistant Director (Planning)

6. 6/2024/0608/FULL 13 TOLMERS ROAD CUFFLEY POTTERS BAR EN6 4JF (Pages 25 - 42)

Report of the Assistant Director (Planning)

7. APPEAL DECISIONS 30 AUGUST 2024 - 11 OCTOBER 2024 (Pages 43 - 44)  
Report of the Assistant Director (Planning)
8. FUTURE PLANNING APPLICATIONS (Pages 45 - 48)  
Report of the Assistant Director (Planning)
9. SUCH OTHER BUSINESS AS, IN THE OPINION OF THE CHAIRMAN, IS OF SUFFICIENT URGENCY TO WARRANT IMMEDIATE CONSIDERATION
10. EXCLUSION OF PRESS AND PUBLIC

The Committee is asked to resolve:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for Item 11 on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100(A)(3) and Paragraphs 2 (Information likely to reveal the identity of an individual), and 6 (Statutory notice or order) of Part 1 of Schedule 12A of the said Act (as amended).

In resolving to exclude the public in respect of the exempt information, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **PART II**

11. ANY OTHER BUSINESS OF AN EXEMPT NATURE AT THE DISCRETION OF THE CHAIRMAN

<u>Circulation:</u>	Councillors	J.Skoczylas (Chairman)	B.Fitzsimon
		H.Goldwater	K.Gardner
		D.Panter	P.Shah (Vice-Chairman)
		R.Trigg	M.Short
		C.Watson	T.Skottowe
		A.Chesterman	I.Walsh

Senior Leadership Team  
Press and Public (except Part II Items)

**If you require any further information about this Agenda please contact Democratic Services, Governance Service on or email – [democracy@welhat.gov.uk](mailto:democracy@welhat.gov.uk)**

# Agenda Item 5

## Part I

Main author: Raymond Lee

Executive Member: Councillor R. Grewal  
(Hatfield)

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 24 OCTOBER 2024  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/2539/FULL

SYLVIA ADAMS HOUSE 24 THE COMMON HATFIELD AL10 0ND

PROPOSED TWO ADDITIONAL 1 BED UNITS AT THIRD FLOOR LEVEL TO INFILL  
THE SECTION TO THE REAR WITHIN THE FOOTPRINT OF THE BUILDING  
APPROVED UNDER THE PRIOR APPROVAL APPLICATION 6/2020/3226/PN32 AND  
ALTERATIONS TO FENESTRATION AND INTERNAL LAYOUT

APPLICANT: FORTE GREEN 2 LTD

## **1 Site Description**

- 1.1 The application site is located on The Common which lies to the north of Hatfield Town Centre. The immediate area is varied in use and character, with residential development bordering the site to the rear, commercial buildings to the east and a multi-storey car park opposite to the south. Further west along the Common there are blocks of flats (Broomfield Court, Lothair Court and Galleycroft Court).
- 1.2 The application site originally comprised a vacant two-storey office building with a vehicular access along the southern boundary leading to an area of hardstanding at the front comprising of six car parking spaces.
- 1.3 It is noted that the approved development (ref: 6/2020/3226/PN32 and 6/2023/0627/VAR) has been substantially built out on-site, with the building erected to four storey level.
- 1.4 Amended plans have also been received during the course of the application to address officer concerns regarding the living conditions (insufficient natural light and outlook) of Units 9 and 12, which involves the inclusion of saw-tooth bedroom windows and full height corner windows for the living areas on the second and third floors of the building.

## **2 The Proposal**

- 2.1 The application seeks planning permission for the creation of two additional 1 bed units at third floor level to infill the section to the rear within the footprint of the building approved under the prior approval application 6/2020/3226/PN32, creating 12 x 1-bedroom flats in total. Minor alterations are also proposed to the layout of the floorplans and to the fenestration of the building. No changes are proposed to the other elements of the approved scheme.

## **3 Reason for Committee Consideration**

3.1 This application is presented to the Development Management Committee because it has been called-in by Councillor Thorpe.

3.2 The reasons for the Call-In are:

- 1) The additional height to the development would outstrip that of the surrounding area
- 2) The development would increase pressure on the limited parking in the area

#### **4 Relevant Planning History**

4.1 The planning history is summarised below:

Application Number: S6/1974/0339/  
Decision: Granted  
Decision Date: 20 June 1974  
Proposal: Change of use of first floor flat to doctors surgery and offices

Application Number: S6/1975/0490/  
Decision: Granted  
Decision Date: 24 October 1975  
Proposal: New reception area and waiting room to Doctors surgeries

Application Number: S6/1999/0345/FP  
Decision: Granted  
Decision Date: 15 June 1999  
Proposal: Change of use from doctors surgery to B1 offices

Application Number: S6/1999/0830/FP  
Decision: Granted  
Decision Date: 19 June 1999  
Proposal: Alterations to existing roof to pitched tiled roof, internal alterations, and new car parking layout

Application Number: 6/2020/3226/PN32  
Decision: Granted  
Decision Date: 3 March 2021  
Proposal: Prior approval application for the demolition of existing offices and development of residential accommodation comprising 10 new flats

Application Number: 6/2022/2152/COND  
Decision: Granted  
Decision Date: 21 November 2022  
Proposal: Submission of details pursuant of condition 1 (construction method statement), condition 2 (external materials), condition 3 (landscape) and condition 5 (noise) on planning permission 6/2020/3226/PN32

Application Number: 6/2023/0627/VAR  
Decision: Granted  
Decision Date: Variation of condition 12 (drawing numbers) on planning approval 6/2020/3226/PN32  
Proposal: 20 June 2023

#### **5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Welwyn Hatfield Borough Council Local Plan 2016-2036 (October 2023) (Local Plan)
- 5.3 Supplementary Design Guidance 2005 (SDG)
- 5.4 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.5 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

## **6 Site Designation**

- 6.1 The site is within the settlement boundary of Hatfield as designated in the Welwyn Hatfield Borough Council Local Plan 2016-2023.

## **7 Representations Received**

- 7.1 The application was advertised by means of neighbour notification letters and a site notice. In total, 1 representation has been received objecting to the scheme. This is published in full on the Council's website and are summarised below:
  - Overlooking
  - Insufficient parking
  - Noise

## **8 Consultations Received**

- 8.1 The following consultees have responded advising that they have no objections to the proposal in principle, subject to conditions being applied:
  - HCC Transport Programmes and Strategy
  - Welwyn Hatfield Borough Council Public Health and Protection
  - Welwyn Hatfield Borough Council Landscape Department
  - Landscapes Department
  - Parking Services
- 8.2 No response was received from the following consultees:
  - HCC Minerals and Waste Team

## **9 Analysis**

- 9.1 The main planning issues to be considered in the determination of this application are:
  1. Principle of development
  2. Quality of design and impact on the character of the area
  3. Residential amenity
  4. Highways and parking considerations
  5. Other considerations
    - i. Flood risk

- ii. Landscaping
  - iii. Refuse and recycling
  - iv. Ecology
  - v. Renewable Energy
  - vi. Other matters
6. The planning balance

### 1. Principle of development

9.2 The National Planning Policy Framework (NPPF) states planning policies ‘should promote and support the development of under-utilised land and buildings’ (Para.124 (d)) and ‘support development that makes efficient use of land’ (Para.128).

9.3 Policy SP1 of the Local Plan seeks to bring about sustainable development in the borough by applying the following principles:

- The need to plan positively for growth in a way which supports economic growth, increases the supply of housing and helps to reduce social and health inequalities in the borough - whilst recognising environmental and infrastructure constraints.
- That new development should contribute to the creation of mixed and sustainable communities which are well planned, promote healthy and active lifestyles, are inclusive and safe, environmentally sensitive, accessible, culturally rich, vibrant and vital, well served, and built to high design standards reflecting local character.
- That the location of new development should deliver a sustainable pattern of development which prioritises previously developed land; minimises the need to travel by directing growth to those areas with good transport networks which are well served by jobs, services and facilities; protects areas of highest environmental value; and avoids areas of high flood risk.
- That the natural and heritage assets of the borough should be protected and enhanced and its natural resources used prudently.
- That adaptation and mitigation principles relating to climate change are incorporated into the design and construction of new development which include energy and water efficiency measures, the use of low carbon and renewable energy, the provision of green infrastructure and sustainable drainage systems (SUDs).

9.4 The definition of previously developed land in the NPPF includes: *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.”*

9.5 From the planning history, it is understood that the site previously comprised of a commercial property and therefore it can be reasonably classified as brownfield land. As such, the land use would not appear to conflict with the definition of previously developed land in the NPPF.

9.6 The site is located within the town of Hatfield as defined in the Local Plan. Policy SP3 of the Local Plan states that, consistent with the settlement hierarchy, the

primary focus for new development will be in and around the two towns of Welwyn Garden City and Hatfield where accessibility to strategic transport networks and public transport is good and the greatest potential exists to maximise accessibility to job opportunities, shops, services, and other facilities, and to create new neighbourhoods with supporting infrastructure.

- 9.7 The application site is not allocated for housing in the Local Plan and therefore comes forward as windfall development. Policy SADM1 states that planning permission for residential development on unallocated sites will be granted provided:
- i. The site is previously developed, or is a small infill site within a town or excluded village. In the Green Belt, Policy SADM34 will apply;
  - ii. The development will be accessible to a range of services and facilities by transport modes other than the car;
  - iii. There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;
  - iv. Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and
  - v. Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.
- 9.8 In this case, the proposal comprises of an extension to the roof and fenestration alterations to the approved building (which is currently substantially constructed), to facilitate two additional 1-bedroom apartments. The application site is located within the town of Hatfield which has good accessibility to existing shops and services. The infrastructure has also been developed to provide good transport links for existing residents. As such, future occupiers would be able to access a diverse range of services and facilities without reliance on the private car as a means of transport. The proposal would therefore be located within a sustainable location in accordance with Policy SADM1 and consequently there is no objection to the principle of residential development in land use terms.
- 9.9 Due to the modest scale of the proposal, there is no evidence that existing infrastructure does not have the capacity to absorb the development. Furthermore, the proposal would not undermine the delivery of allocated sites or the overall strategy of the Local Plan; and due to the scale of the development it would not result in disproportionate growth, taking into account the position of a settlement within the settlement hierarchy.
- 9.10 For the above reasons, the proposal would comply with the sustainability requirements of the National Planning Policy Framework or Policy SADM1 of the Local Plan.

## **2. Quality of design and impact on the character of the area**

- 9.11 Paragraph 131 of the NPPF clearly advises that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 135 of the NPPF further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place.

- 9.12 Paragraph 139 of the NPPF states that significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
  - b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 9.13 Consistent with the NPPF, are Policies SADM11 and SP9 of the Local Plan. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG).
- 9.14 Policy SP9 states that proposals will be required to have been informed by an analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place. SP9 goes on to state that development proposals will need to respect neighbouring buildings and the surrounding context in terms of height, mass and scale and also be of a high-quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.
- 9.15 In this case, the surrounding area is characterised by buildings of various heights ranging from 2 to 4 storeys and varied land uses consisting of residential development bordering to the rear on Stockbreach Road comprising of terrace properties, a 4 storey tall block of 10 flats to the west which is currently substantially built out, 2-3 storey commercial buildings to the east and a multi-storey car park (4-storeys) opposite to the south. Further west along the Common, 4 storey blocks of flats (Broomfield Court, Lothair Court and Galleycroft Court) and further to the south within the town centre there are buildings of various uses and heights.
- 9.16 Whilst buildings along the road are predominantly finished with traditional style brickwork and render, more modern elements have been introduced over the years such as grey cladding on the building named Meridian House and grey window/door frames and front canopy/extension to the application building. The multi-storey car park is also of a more contemporary design.
- 9.17 It is proposed to erect an infill extension towards the rear of the building at roof level, behind the fourth-floor protrusion of the approved apartment building and within the footprint of the approved building. It is acknowledged that the extension would result in additional bulk and massing at roof level, however the extension would not increase the ridge height of the approved building. It would also follow the same architectural design of the consented scheme, and the resultant building would be finished with a flat roof which would be a characteristic feature of the area. The proposal would retain sufficient spacing from the side boundaries (minimum of 1m) to avoid appearing cramped or overdeveloped. Furthermore, the majority of the additional built form would be located behind the approved scheme when viewed from the street scene, with only the flanks being visible from fleeting views between the gaps of the buildings. The surrounding area in the immediate vicinity of the application site comprises of varying building heights that range from two and four storeys, and



there are other examples of taller building further south of the site. In addition, the proposal would be limited to the roof of the approved development and minor fenestration changes, therefore no changes are proposed to the footprint or location of the building. The development would therefore be seen in the context of the surrounding roofscape within the town centre location and would not appear significantly obtrusive or out of keeping in the street scene.

- 9.18 In terms of the detailed character of the proposal, the materials comprise of red facing brickwork and grey zinc cladding panels for the walls and grey aluminium for the windows. The resultant building would continue the contemporary 'two-tone' appearance of the approved building and the fenestration arrangement, other than the addition of saw tooth windows and corner windows to the side/rear of the building, would be consistent with the approved scheme. The appearance of the additional storey along with the minor fenestration changes would be sympathetic with the approved building and would adequately respect the existing built form in the town centre location.
- 9.19 Overall, subject to planning conditions requiring further details of the external materials, it is considered that the size and visual presence of the proposal would not have an unacceptable impact upon the character of the approved development, or the surrounding area given the context of the site's surroundings. Accordingly, the proposed development would be in accordance with Policies SADM11, SP1 and SP9 of the Local Plan, the Supplementary Design Guidance and the National Planning Policy Framework.

### **3. Residential amenity**

- 9.20 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policies SP9, SADM11 and SADM18 of the Local Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.
- 9.21 With regard to amenity, this is considered in two parts, firstly the impact on adjoining occupiers and secondly the impact of the scheme on future occupiers of the proposed dwelling.

#### *Impact on Neighbours*

- 9.22 The application site adjoins No. 22 The Common to the east which has planning permission for the erection of a block of 8 flats and is also currently under construction. To the west of the site lies the block of flats at Broomfield Court, which comprises of four storey tall buildings. The site adjoins to the rear (north), the deep residential gardens of a row of terraced dwellings on Stockbreach Road and to the south of the site lies The Commons multi-storey car park. It is noted that a neighbour objection has been received from No. 64 Stockbreach Road on the grounds of a loss of privacy and noise impacts from the additional units.

#### *No. 22 The Common*

- 9.23 In terms of the amenity impact upon the adjoining block of flats currently under construction at No. 22 The Common, the submitted plans indicate that there would be a separation distance of approximately 2.5m between the flank walls of

the buildings, which is unchanged from the current situation. The approved scheme at No. 22 includes side facing windows serving bathrooms and landing areas at the ground, first, second and third floors. Whilst the proposed extension would create additional bulk to the application building, it is not considered that light and outlook for the future occupants of the adjacent flats would be significantly affected when compared to the approved development, given the openings that would be affected would not serve habitable rooms.

- 9.24 In regards to privacy, the proposed additional flat (Unit 12) and the proposed amended layout of the flat below (Unit 9) would be served by clear glazed habitable windows on the side elevations that would face towards No. 22. It is however noted that the lower levels of the building approved under the original scheme also had clear glazed openings on this elevation, which would offer similar views. This original application was approved prior to the adjacent block of flats being approved and the assessment was made on the basis of a two-storey building being adjacent. However, it is accepted that the proposed windows would afford similar views. Furthermore, whilst there are side facing windows at No. 22, these are obscure glazed openings serving bathrooms and landing areas, and as such there would be no significant loss of privacy for the occupants involved as these are not key habitable spaces.
- 9.25 In addition, whilst there is potential for views from the proposed corner windows to the rear amenity area behind the building at No. 22, this would be a communal garden and bike storage area and the views generated, due to the location of the opening, would be oblique and partially blocked by No. 22's building. As such there are no significant concerns with respect to neighbour privacy for No. 22.

#### *Broomfield Court*

- 9.26 As for the neighbouring properties on the opposite side at Broomfield Court, whilst there are a series of windows that face toward the application site from the additional flat, there would be a separation distance of approximately 25m between the flank walls of these buildings. There are also mature trees and vegetation at the common boundary which would assist in softening the views of the additional development. As such, the amenity of the occupiers would not be significantly affected, particularly given planning permission has already been granted for the existing 4 storey building in this location. Therefore, although the additional built form may result in the application building being more visible, this is unlikely to result in a significantly detrimental impact on the amenity of these neighbours in respect of a loss of light and outlook. Similarly, with respect to privacy, it is considered there would be no direct overlooking to habitable windows of these units due to the separation distances involved.

#### *Stockbreach Road*

- 9.27 In terms of the impact on the row of terrace properties on Stockbreach Road located to the rear of the application site, the proposed infill extension would be positioned approximately 7m from the common boundary, where there are some mature trees and vegetation. There would also be approximately 35-37 metres of separation distance between the application building and the rear of the neighbouring dwellings due to their deep rear gardens. Although the development would result in additional bulk at a higher level than that previously improved and thus would be closer to the rear boundaries of the properties to the north, the overall height of the building would not increase, and the extension

would not extend closer to the boundary than the approved building does above first floor level. Although the occupiers may experience a further slight increase in overshadowing in their rear gardens at certain times of the day and year when compared to the approved development within the site, the rear gardens of the dwellings adjoining the site on Stockbreach Road are elongated in shape and are of a generous size and length, therefore it is considered that there would still be an adequate amount of light received to their main amenity areas. As such, it is unlikely that the proposed infill extension to the building would significantly impact upon the light levels received by these adjoining properties or appear unduly overbearing over and above the approved development within the site, to the extent that it would warrant a refusal of the scheme.

- 9.28 In terms of neighbour privacy, an objection has been received from an adjoining property at No. 64 Stockbreach Road who is located to the rear (north) of the site. The concerns raised by this neighbour are that the development would cause greater overlooking and a loss of privacy into the rear gardens of the properties on Stockbreach Road. The submitted floor plans however indicate that the rear facing windows would be high level, with the bottom half obscure glazed to be consistent with the lower floor openings of the approved building. Furthermore, the proposed sawtooth windows on the second and third floors would direct views towards the side (west) so there would not be any direct views generated to the rear gardens. Therefore, the proposal would unlikely result in an unduly detrimental impact on neighbouring properties over and above the consented scheme.

#### *Noise and disturbance*

- 9.29 SADM18 of the Local Plan seeks to ensure that no new development would cause disturbance to people or the natural environment due to noise and/or vibration pollution. It is generally accepted that most forms of development will result in some noise, particularly during the construction phase.
- 9.30 In this case, the Council's Public Health and Protection Officer has not raised any concerns to the scheme but has recommended a condition be imposed to ensure that noise from construction works commencing on site are limited to between 08:00 – 18:00 Monday to Friday and between 08:00 – 13:00 on Saturdays. This would however be more appropriately dealt with through Environmental Health legislation. An informative would therefore be included in the event of approval instead. Furthermore, informatives will also be included to ensure dust generation is reduced to a minimum in line with Environmental Health legislation.
- 9.31 In summary, giving consideration to the scale of the development and the separation distances to neighbouring properties, the proposal would not have an unreasonable detrimental impact on the amenity of neighbouring occupiers in terms of loss of light, outlook, privacy and noise. The proposal would therefore be in accordance with the NPPF, Policies SP9, SADM11 and SADM18 of the Local Plan and the SDG.

#### *Living Conditions of Future Occupiers*

- 9.32 Policy SADM11 of the Local Plan requires as a minimum, for all proposals for C3 dwellings to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible or viable. The Standards outline the minimum requirements for floor space and storage for new dwellings.

- 9.33 The internal layout has been altered when compared to the approved scheme, which has resulted a slight reconfiguration of the rooms of each apartment. The living areas would however remain open plan for all of the units. The proposed floorspace of the two proposed units measures approximately 43.5sqm, which would exceed the size requirements as stipulated in the Nationally Described Technical Housing Standards (NDSS) document for 1-bed, one-person single storey dwellings (39sqm). The bedroom sizes would also exceed the minimum standards in the NDSS.
- 9.34 In terms of Unit 11 on the third floor, each habitable room would benefit from clear glazed openings that would be unobstructed and which would give sufficient natural light and outlook for the future occupiers.
- 9.35 In terms of Unit 12 on the third floor, although the proposed side openings would afford limited light entry into the living room/kitchen area due to the proximity to the adjacent building, the amenity would nevertheless be deemed acceptable given the inclusion of a rooflight and the partially clear/partially obscured full height corner window. Although outlook would be limited for the living room through the side element of the corner window, it is considered that this would not be a sufficient reason to warrant a refusal of the scheme. The bedroom would be served by a rooflight and a sawtooth window that would afford sufficient light into the room and provide some outlook to the side. Similarly, whilst this solution does not afford the same level of light and outlook as a fully glazed window, it would not be significantly harmful enough to refuse the scheme.
- 9.36 As for the proposed changes to the layout of Unit 9 on the second floor, it is important to note that original scheme at No. 24 (6/2020/3226/PN32) was approved when No. 22 next door was still a two storey building. Following this, an application for a four storey block of flats was submitted and approved at No. 22 before any development commenced for No.24. As such, both schemes were largely considered against the pre-existing circumstances where views from the side windows facing No. 22 would have been largely over the roof of the two-storey building. In the current situation, Unit 9 on the second floor of the approved scheme has a single side window serving the bedroom that would now face onto the apartment block next door (No. 22), which would not afford a high level of amenity for the occupants, due to the room receiving less light and outlook. The kitchen/living area of the approved scheme also has a side window facing directly onto the building of No. 22 and a high level window to the rear. Whilst the room does benefit from two rooflights to allow for sufficient light to enter, there would be little to no outlook for this room also. In the current application, the bedroom and living room would also have side windows facing the flank wall of the block of flats next door, however the amended scheme now proposes a corner window for the living room and sawtooth for the bedroom which, although still limited, would offer more light and outlook for the occupants of Unit 9 when compared to the approved scheme. Therefore, this is deemed to be a minor improvement.
- 9.37 Whilst it is noted that only one of the two additional units on the third floor would have access to private amenity space via the proposed private balcony, which is the same as the other approved units. the scheme also continues to provide a communal garden at the rear which would be accessible for all residents. It is also acknowledged that this is a similar situation with the other units within the apartment block, therefore it is considered adequate for the development in this instance. Overall, the internal and external space for the proposed dwelling

would, on balance, result in satisfactory living accommodation for the future occupants.

- 9.38 In terms of noise and disturbance, the Council's Public Health and Protection Officer was consulted on the scheme and no objections were raised to the development in regard to the impact upon the future occupants, including the two additional units. It was stated that the former noise assessment confirmed that the noise environment was acceptable, therefore the living conditions of the occupiers of the additional units of accommodation would not be negatively affected either.

#### **4. Highways and Parking Considerations**

- 9.39 In terms of parking, Paragraph 111 of the NPPF states that if setting local parking standards, policies should take into account the accessibility of the development, the type, mix and use of the development, availability of and opportunities for public transport, local car ownership levels and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 9.40 Policy 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.41 Policy SADM12 of the Local Plan states that the type and quantum of vehicle and cycle parking provided within development proposals will be informed by the standards set out in the Council's parking standards taking account of:
- a. The site's location and accessibility to public transport, services and facilities;
  - b. The nature and degree of parking demand likely to be associated with the development and opportunities for shared parking; and
  - c. The need to promote more sustainable forms of travel within the borough.
- 9.42 The Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings.
- 9.43 In this case, the County Highways Officer was consulted on the application and no objections are raised with regards highway safety aspects of the scheme. It is considered that the level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity, therefore it is considered that the proposal would not have an unacceptable impact upon the highway network.
- 9.44 In terms of parking, the application site is located in zone 1 (one of the most accessible locations in the borough) where according to the parking standards, an uplift of two car parking spaces would be expected for the two additional one-bedroom apartments. In this case, no additional parking spaces are proposed for

the additional units and the scheme continues to provide six on-site spaces for the residents of the apartment building. As such, there would be a shortfall in the car parking provision. As set out above, the parking standards within the SPG are taken as guidance only and should be regarded as a maximum provision rather than minimum. Furthermore, the site is in a town centre location and is within easy walking distance of the local facilities and amenities. The site is also easily accessible by public transport as it is situated approximately 1.2km away from Hatfield Railway Station and there is a bus stop on The Common, approximately 70m from the site. Moreover, The Common is subject to double yellow lines, apart from areas where short stay parking spaces are available. There is also the availability of the multi storey car park directly opposite the site that residents and visitors could utilise (albeit at the cost of a car park season ticket or pay and display), should the need arise.

- 9.45 In addition, the applicant has submitted a Transport Statement which states that car ownership levels in the area based on the Census data for the development would equate to 0.53 vehicles per 1 bedroom flat, therefore requiring six car parking spaces in total. It is noted that no objections were raised by the Council's Parking Services team or the County Highway Authority to the development in this instance, subject to a condition requiring at least 30% of the parking spaces to provide Electric Vehicle (EV) charging points.
- 9.46 Moreover, the proposal includes the provision of a secure and covered cycle storage area as indicated on the submitted landscape plan. To ensure the provision has additional capacity for the two new units, a condition could be imposed for further details and to ensure that the cycle parking is implemented at the site prior to its first use. This would further support more sustainable modes of transport and reduce the need to travel by car.
- 9.47 Consequently, it is not considered that insufficient car parking provision would justify a reason for refusal in this instance. The development would therefore have an acceptable impact on highway and pedestrian safety. Therefore, no objections are raised in regards to the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; Policies SADM2 and SADM12 of the Local Plan or the NPPF.

## **6. Other considerations**

### *i) Flood risk and sustainable drainage*

- 9.48 The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding. The flood zones are the starting point for this approach. The EA identifies Flood Zones 2 & 3 and all land outside those zones is in Flood Zone 1. Policy SADM14 of the Local Plan is similar in these aims.
- 9.49 This site is located within Flood Zone 1 i.e. a low probability of flooding. The location of the application site is therefore in an area which is not prone to flooding. As the proposals relates only to an extension to the roof of the approved building and does not involve any increases to its footprint or any additional hardstanding areas, the impacts on flooding and drainage would be limited. No drainage concerns are therefore raised in this regard.

### *ii) Landscaping*

- 9.50 Landscaping is important in order to protect and maintain, or ideally enhance, the existing character of the area and to reduce the visual and environmental impacts of the development. It is important that an appropriate balance between hard and soft landscaping is maintained, and the Council will aim to ensure that a proportion of the site frontage is retained as landscaped 'greenery' to reduce the visual prominence of hard surfacing and parked vehicles.
- 9.51 Policy SADM16 of the Local Plan sets out that proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition. Furthermore, Policy SP9 notes that proposals should make space for nature, to enable the movement of wildlife through the development, and protect and improve the connectivity of habitats at the wider landscape scale. Policy SP10 additionally states that new and existing habitat and landscaping should be incorporated into the layout and design of proposals. Landscaping can protect and enhance the visual character of the area and reduce the visual and environmental impacts of a development.
- 9.52 The Council's Landscapes Officer has been consulted on the application and no objection is raised to the proposed development. The submitted landscape plans indicate that no changes are proposed to the additional planting approved at the site under the previous scheme. Therefore, the proposed development is considered acceptable in this regard.

*iii) Refuse and Recycling*

- 9.53 Policy SADM12 of the Local Plan states that appropriate provision of service areas and refuse storage and collection areas should be made according to the nature of the development. Such areas and access to them should be appropriately sited and designed to ensure they can:
- a. Perform their role effectively without prejudicing or being prejudiced by other functions and users;
  - b. Maintain an attractive and coherent street scene and protect visual amenity; and
  - c. Avoid creating risk to human health or an environmental nuisance.
- 9.54 In this case, the submitted plans do not indicate the provision of a bin storage area to serve the development however there is considered sufficient space on site to accommodate an adequately sized waste and recycling bin storage area. Further details can be secured via condition in the event of an approval.

*iv) Ecology and Biodiversity*

- 9.55 Policy SADM16 of the Local Plan states that proposal will be expected to maintain, protect, conserve and enhance biodiversity. This approach is consistent with the NPPF. The Policy also states that all developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%.
- 9.56 Whilst this is noted, Paragraph 12.54 of the Local Plan sets out that the BNG policy requirement for 10% will apply to Small Sites from April 2024. For commercial development, this is where floor space created is less than 1,000 square metres or total site area is less than 1 hectare. The proposed development would meet the above criteria. However, the mandatory 10% BNG

for small sites does not apply to applications submitted before 2nd April 2024 and applies only to applications made after that date due to the transitional arrangements.

- 9.57 In this case, given the location and nature of the site, lack of associated records and apparent characteristics of the building, there is not considered to be sufficient likelihood of bats being present and affected for the Council to require a formal survey prior to determination. Notwithstanding this, to reduce the risk of an offence being committed, an informative will be included to ensure a precautionary approach is taken by the application with respect to bats during the development.
- 9.58 As the planning system should now aim to deliver overall net gains for biodiversity where possible, biodiversity enhancements such as swift bricks and bat/bird boxes should be provided as part of the scheme. This can be conditioned as part of a condition in the event of permission being granted.
- 9.59 Overall, it is considered that the proposal satisfies the requirements of the Local Plan and the NPPF in respect of Ecology.

v) *Renewable Energy*

- 9.60 Policy SP10 of the Local Plan explains that proposals which adopt sustainable design and construction principles, with an integrated design solution, will be supported. It is recommended that new dwellings deliver some of their energy requirements from decentralised and renewable or low-carbon sources. Policy SADM13 is also relevant for new dwellings, which states that all newly constructed dwellings will be required to achieve an estimated water consumption of no more than 110 litres/person/day, with water reuse and recycling and rainwater harvesting incorporated wherever feasible to reduce demand on mains water supply. It is also recommended that new dwellings deliver some of their energy requirements from decentralised and renewable or low-carbon sources.
- 9.61 In this instance, the application is not supported by a Sustainability Statement and the submitted roof plan only give an indication that there will be the installation of 26 PV panels. Given that no other details have been provided as part of the current scheme, it is considered reasonable and necessary to secure via condition further details, to include the additional units being created to ensure full compliance with above policies with respect to renewable energy.

vi) *Other Matters*

*Obligations and Affordable Housing*

- 9.62 It is important to note that the approved scheme (6/2020/3226/PN32) has been substantially completed, therefore the additional two units proposed under the current application would not trigger the requirement for the provision of affordable housing or S106 contributions in this instance.

**7. The planning balance**

- 9.63 Policy SP1 of the Local Plan requires that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they accord with the objectives and policies of the Development Plan. At



the heart of the NPPF is a presumption in favour of sustainable development. The NPPF outlines, in its introduction, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. Of particular relevance to this application is an economic role, among others, to ensure land is available in the right places to support growth; a social role to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; as well as an environmental role which includes protecting and enhancing the environment.

- 9.64 The NPPF does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas.
- 9.65 Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, and, for decision-taking, this means (paragraph 11c) approving development proposals that accord with an up-to-date development plan without delay.
- 9.66 Taken together, paragraph 11(d) and footnote 8 of the NPPF set out the circumstances in which housing delivery should be considered as a material consideration when dealing with applications.
- 9.67 The Welwyn Hatfield Local Plan was adopted in October 2023 and is less than five years old. The adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded. Therefore, in accordance with paragraph 79 of the NPPF, the Council is not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes.
- 9.68 However, the latest Government published Housing Delivery Test data (December 2023) which related to the period running from 1st April 2019 to 31st March 2022 showed that Welwyn Hatfield delivered 57% of homes against its target, falling below the 75% threshold. Therefore, in accordance with footnote 8, the 'tilted balance' set out in paragraph 11(d) of the NPPF is in effect in this instance. Therefore, planning permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".
- 9.69 In terms of social benefits, the proposal would make a small contribution to the Council's supply of housing from the two additional flats. This would reduce pressure on housing land take elsewhere in the Borough. The proposed development would therefore contribute towards the identified shortfall in housing supply, which is a benefit to which moderate weight is attached.
- 9.70 In relation to the economy, the proposed development would make a small contribution through the provision of employment and the sale of materials associated with the construction of the dwellings. However, this benefit would be short term and is therefore afforded only limited weight. Whilst future occupiers of the development would support shops and services in the long term, this benefit would be spread over a wide area given the location of the site and would therefore be limited in effect.

- 9.71 Turning to the environment, the proposal would be located in a sustainable location within Hatfield where there are limited possibilities for this type of development. The proposal would therefore make effective and efficient use of an existing brownfield site. In addition, the proposal would not harm the visual amenity or the character and appearance of the area and the design would be of a good quality. It would also be built with sustainability in mind which include measures to enhance the energy efficiency of the building, such as the use of PV panels. These considerations would have moderate weight in favour of the proposal.
- 9.72 Having regard to the above, the proposal therefore represents sustainable development. Accordingly, the requirements of Paragraph 11 of the NPPF, which deals with the presumption in favour of sustainable development, would be met.

## **10 Conclusion**

- 10.1 Further to the above and subject to conditions, the proposal would have no significant adverse impact upon the character and appearance of the area, adjoining or future occupiers living conditions, nature conservation interests or highway safety. Accordingly, and for the reasons given, the proposal is recommended for approval.

## **11 Recommendation**

- 11.1 It is recommended that PLANNING PERMISSION BE GRANTED subject to the following conditions:

### **COMPLIANCE**

1. Works on site shall be carried out in accordance with the Construction Management Plan dated 15/08/2022 by Forte Green 2 and approved by Welwyn Hatfield Council on 21 November 2022 under application 6/2022/2152/COND. The approved statement shall be adhered to throughout the construction period and shall not be changed.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018), Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

### **PRIOR TO ABOVE GROUND DEVELOPMENT**

2. No development above ground level shall take place until full details of a scheme for the installation of swift nesting bricks, bird boxes and bat boxes, as appropriate to the site and its surroundings, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved scheme.

REASON: To make appropriate provision for natural habitat within the approved development in accordance with Policy SADM16 of the Local Plan and the National Planning Policy Framework.

3. No above ground development in any phase of the development shall take place until samples of the materials to be used in the construction of the external

surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: In the interest of the appearance of the development, in accordance with Policy SP9 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

4. Prior to any above ground level development beginning, details identifying the location and appearance of the electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed as approved prior to the first occupation of the development hereby permitted and thereafter retained as part of the development.

REASON: To ensure that sufficient provision is made for the charging of electric cars, in accordance with Policy SADM3 and SADM12 of the Local Plan and the National Planning Policy Framework.

5. No above ground development in any phase of the development shall take place until full details of the proposed solar panels on the roof have been submitted to and approved in writing by the Local Planning Authority. This shall include sections of the solar panels and details of how the renewable energy sources shall be installed. The development shall be carried out in accordance with the approved details and thereafter retained.

REASON: To ensure that the development contributes towards sustainable development and energy efficiency in accordance with Policy SP10 and SADM13 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

6. No development above ground level shall take place until full details of refuse and recycling storage have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved refuse and recycling storage must be fully implemented and made available for use before the development is occupied and thereafter retained for this purpose, unless otherwise agreed in writing.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### PRIOR TO OCCUPATION

7. Prior to the first occupation of the development hereby permitted, full details (on a suitably scaled plan) of the proposed cycle parking storage to include capacity for the two additional units shall be submitted and approved in writing by the Local Planning Authority. Subsequently, the approved details must be fully implemented and thereafter retained for this purpose.

REASON: To ensure the provision of adequate cycle parking in order to meet the needs of the residential dwelling, in the interests of encouraging the use of

sustainable modes of transport in accordance with policy SADM2 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework

8. The second and third floor windows located in the wall forming the rear elevation of the building hereby approved must be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

9. Prior to the first occupation of the development hereby permitted, full details of the balustrade/privacy screen which will serve the second and third floor balconies on the west side of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The balustrade/privacy screen shall be 1.8 metres in height and obscurely glazed. Subsequently, the approved details shall be implemented before the balcony is made available for its first use and the balustrade/privacy screen shall be retained in the approved form thereafter.

REASON: To protect the living conditions of future occupiers in terms of privacy, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### DRAWING NUMBERS

10. The development/works shall not be started and completed other than in accordance with the approved plans and details:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
P011		Location Plan	20 December 2023
P012		Block Plan	20 December 2023
P013	A	Site Plan	28 August 2023
P110		Existing Ground Floor	20 December 2023
P111		Existing First and Second Floor	20 December 2023
P112		Existing Third Floor Plan	20 December 2023
P113	D	Proposed Third Floor and Roof Plan	28 August 2023
P114	A	Proposed Second Floor Plan and	28 August 2023

		Neighbouring Building	
P115		Proposed Third Floor Plan and Neighbouring Building	28 August 2023
P210		Existing Elevations (Front and Side)	20 December 2023
P211		Existing Elevations (Rear and Side)	20 December 2023
P212	C	Proposed Elevations (Front and Side)	28 August 2023
P213	D	Proposed Elevations (Rear and Side)	28 August 2023
P214		Street Elevation	20 December 2023
P310		Existing Section	20 December 2023
P311		Proposed Section	20 December 2023
Sah24tch h		Landscape Plan	20 December 2023
Civ01		Drainage Layout	20 December 2023

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

#### POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

#### INFORMATIVES

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at:

<http://www.welhat.gov.uk/index.aspx?articleid=834>. Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken.

3. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
4. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
5. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roadsand-pavements/highways-roads-and-pavements.aspx>
6. The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.
7. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
8. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of:  
8.00am and 6.00pm on Mondays to Fridays  
8.00am and 1.00pm Saturdays  
and at no time on Sundays and Bank Holidays  
The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
9. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.

All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.

All machines in intermittent use shall be shut down during intervening periods between works, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.

Any pile driving shall be carried out by a recognised noise reducing system. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.

In general, equipment for breaking concrete and the like, shall be hydraulically actuated.

'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.


Any emergency deviation from these conditions shall be notified to the Council without delay.

10. All efforts shall be made to reduce dust generation to a minimum. Stock piles of materials for use on the site or disposal that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
11. Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
12. Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.

Raymond Lee (Development Management)

Date: 23 September 2024



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title:		Scale:	
	Sylvia Adams House 24 The Common Hatfield AL10 OND		1:5000	
	Development Management Committee		Drawing Number:	Date:
			6/2023/2539/FULL	28-08-2024
		Drawn:	R. Islam	
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Part I

Main author: Lizzie Mugova

Executive Member: Councillor R. Grewal  
(North Mymms)

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 24 OCTOBER 2024  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2024/0608/FULL

13 TOLMERS ROAD CUFFLEY POTTERS BAR EN6 4JF

ERECTION OF A NEW DWELLING FOLLOWING DEMOLITION OF EXISTING  
DWELLING

APPLICANT: ZILVINAS BABRAUSKAS

**1 Site Description**

- 1.1 The application site comprises a single storey dwelling with an integral garage with front and rear gardens located on the west side of Tolmers Road. The application property is bounded by two storey dwellings with Nos 11 and 15 to the south and north. The rear of the application site bounds the gardens of properties on Tolmers Gardens.

**2 The Proposal**

- 2.1 The proposal seeks planning permission to demolish the existing dwelling and erect a larger two storey dwelling with an integral garage in the same location.

**3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because Councillor George Michaelides has called-in the application, and the proposal is recommended for approval. The reason for the call-in request is set out below:

*“I have reviewed the above application and would like to call it in on the following grounds:*

- 1. It constitutes substantial overdevelopment.*
- 2. It does not comply with a number of Neighbourhood Plan Policies.*
- 3. The development is at a higher elevation compared to neighbouring properties.*
- 4. The rear balcony represents significant intrusion”.*

**4 Relevant Planning History**

- 4.1 Application Number: E6/1950/0530/  
Decision: Granted

Decision Date: 30 May 1950  
Proposal: Addition to house

4.2 Application Number: E6/1960/0211/  
Decision: Granted  
Decision Date: 18 February 1960  
Proposal: Extension to kitchen & lounge

4.3 Application Number: E6/1960/0523/  
Decision: Granted  
Decision Date: 21 April 1960  
Proposal: Extension to bungalow

4.4 Application Number: S6/1976/0059/  
Decision: Granted  
Decision Date: 09 March 1976  
Proposal: Single storey side extension, front porch and front extension to garage

4.5 Application Number: S6/1978/0282/  
Decision: Granted  
Decision Date: 27 June 1978  
Proposal: Conservatory

## **5 Relevant Planning Policy**

5.1 National Planning Policy Framework 2023 (NPPF)

5.2 National Design Guide 2021 (NDG)

5.3 The Welwyn Hatfield Borough Council Local Plan 2016-2036 (Local Plan)

5.4 Supplementary Design Guidance 2005 (SDG)

5.5 Northaw and Cuffley Neighbourhood Plan

5.6 Parking Standards Supplementary Planning Guidance 2004 (SPG)

5.7 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

5.8 Hertfordshire Local Transport Plan (2018-2031) 2018

## **6 Representations Received**

6.1 The application was advertised by means of neighbour notification letters. In total 3 representations have been received, all of which were objections to the scheme. All representations received are published in full on the Council's website and are summarised below.

## *Objections*

- proposal is contrary to policies D1 e, g and k of the Northaw & Cuffley Neighbourhood Plan,
- overdevelopment of the site,
- roof in its entirety should be lowered and the section to the left of the proposal (as viewed from the road) should be stepped down,
- increase in total height and bulk of the structure and the impact it has on No 11 and the adjoining area,
- the sense of enclosure provided by the proposal has been disregarded,
- no submission of a Daylight and Sunlight Report by the applicants, concerning the effects of the proposals upon No 11,
- when DN 2402/10 View 2 is considered fully it will be seen that there are inaccuracies relating to the position of the boundary to No 11
- to clarify and to assist in determining the impact of the proposals on No 11, DN 2402/12 Proposed Section AA, should show accurately the paving and internal floor levels of No 11.
- first floor side elevation window facing No 11 should be obscured,
- the proposed full height chimney stack to the side elevation facing No 11 adds to the bulk of the structure. This has been omitted from Front Elevation 1,
- there are discrepancies between DN's 2402/05 and 2402/09, in terms of the boundary line between Nos 11 and 13 regarding the position shown of the proposed flank wall to the garage to No13,
- disturbance to the existing substantial retaining wall constructed approximately 10 years ago,
- the balcony and upper windows to the rear will substantially overlook the gardens of Nos 15 and 11 and also at least nine properties to the rear,
- discrepancy between 3D View 1 (which shows block walling to front side boundaries) and proposed site plan (which shows hedges),
- overspill parking on the front driveways and grass verges,
- not in keeping with the character of the area,
- There is already an intrusive building at Number 15 Tolmers Road. This proposal, would significantly add to the intrusion to No 29 and properties at Nos 9,7 and 5 Tolmers Road would also be significantly impacted by this proposed development, and they should also be consulted,
- any addition of solid walls and gates would have a detrimental effect on the wildlife habitat provided by the gardens on this whole block,
- rainwater runoff will flow down to Tolmers Gardens increasing flood risk,
- the proposed scheme should be prohibited from putting flood lighting at a height above 2 metres,
- No 15 should not be used as precedent, this was given planning consent before the Neighbourhood Plan was adopted,
- the dormer window fitted to the roof space (side elevation II) should be obscured with restricted opening.

## **7 Consultations Received**

- 7.1 An objection was received from Highway Authority and the comments are summarised below:
- the proposed access arrangement is contrary to the current HCC's Dropped Kerb policy and will not be acceptable,
  - the additional access point proposal will be detrimental to highway safety.

## **8 Town/Parish Council Representations**

Northaw and Cuffley Parish Council have submitted a major objection, and their comments are summarised below:

- No 15 Tolmers Road was built prior to the adoption of the Neighbourhood Plan and should not be taken as a precedent,
- Proposed development contravenes with the Neighbourhood Plan Policies D1a, b, e, g and k,
- Overlooking and loss of amenity due to both the height of the building and features such as balconies,
- Overdevelopment due to height of building, construction up to the boundary and general massing.

## **9 Analysis**

- 9.1 The main planning issues to be considered in the determination of this application are:

- 1. Quality of design and impact on the character of the area**
- 2. Residential amenity**
- 3. Highway and transport considerations**
- 4. Other considerations**
  - i) Landscaping and trees**
  - ii) Ecology and biodiversity**
  - iii) Sustainable design and low carbon homes**
  - iv) Neighbour representations**

### **1. Quality of design and impact on the character of the area**

- 9.2 Paragraph 131 of the National Planning Policy Framework (NPPF) clearly advises that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

- 9.3 Local Plan Policy SP1 requires the need to deliver sustainable development whilst ensuring development is built to high design standards reflecting local character. Policy SP9 emphasises this need to deliver a high-quality design that fosters a positive sense of place. Proposals should be informed by an

analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape. Development proposals must respect neighbouring buildings and the surrounding context in terms of height, mass and scale. They should also be of a high-quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG).

- 9.4 In terms of the character of the area, paragraph 2.4 of the SDG outlines, amongst other things, that new development should:
- Respond to building forms and patterns of existing buildings in the detailed layout and design to reinforce a sense of place;
  - New development positively contribute to the continuity and enclosure of an area and the frontage of the buildings should relate to the frontage of the existing buildings in the area
  - Ensure that the scale, height, massing, and space around the new development in relation to the adjoining buildings is considered
- 9.5 Moreover, Policy D2 of the Northaw and Cuffley Neighbourhood Plan (NCNP) states that "Proposals for replacement or new housing development, extensions to existing properties, the sub-division of plots, infill and/or back land development should respond positively to the Northaw and Cuffley Design Code (Appendix 2). Relevant further guidance in Appendix 2 in support of Policy D2 states:
- The use of a repeating type of dwelling along the entirety of the street should be avoided (to create variety and interest in the streetscape)
  - Existing landscape features (such as tree, flower beds, hedgerow) should be retained and where possible their presence should be enhanced by new landscape elements.
  - Car parking design should be combined with landscaping to minimise the presence of vehicles.
  - Parking areas and driveways should be designed to ameliorate impervious surfaces, for example through the use of permeable paving.
- 9.6 It is important to note that part of the objection submitted by Northaw and Cuffley Parish Council relates to Policy D1 (a, b, e, g and k) of the NCNP. However, Policy D1 applies only to a closed list of development types which does not include replacement dwellings. Policy D1 states "As appropriate to their scale, nature and location, development proposals for plot sub-division, infill and back land development should respond positively to the following issues and design features". Whilst Policy D1 (a, b, e and g) may not refer to replacement dwellings, the issues identified in elements of this policy are a consideration in more general design terms. In terms of Policy D1 (k), the application site does not benefit from a side access gate, therefore no weight is attributed to this part of the policy.
- 9.7 Tolmers Road is characterised by large plots containing detached dwellings in a variety of architectural styles many of which are of individual design. There has been much redevelopment in the area, where smaller dwellings have been extended or replaced by larger dwellings and a number of large plots

have been subdivided resulting in increased density and a less spacious form of development.

- 9.8 The proposed dwelling would occupy the width of the plot at ground floor level and the first floor would be inset by approx. 1.5 metres from the boundary with No 11 and 15 Tolmers Road. This spacing would avoid the possibility of a terracing effect with the adjoining properties.
- 9.9 The proposed two storey dwelling would be substantially larger than the existing dwelling in terms of mass and bulk. It is considered that there would be a degree of conflict with Policy SP9 and the SDG. However, the appearance of the resultant dwelling is not considered in isolation; Policy SP9 requires proposals to be respond to the site's character and surrounding context, including the street scene, having regard to neighbouring buildings in terms of height, mass and scale. There are examples of large replacement dwellings within the street for instance No 15, 27, 53 and 61.
- 9.10 Land levels on this part of Tolmers Road fall in a downward slope from north to south. Whilst the main ridge of the proposed dwelling would be lower than the ridge of No 15, it would be approx. 3.5m higher than the main ridge of No 11. Given that the first floor is inset by approx. 1.5 from this neighbouring property, it is considered that it would not appear out of context within the streetscene, there are examples of similar relationships such as No 11 and No 9; No 15 and No 17; No 23 and No 25.
- 9.11 It is considered that the examples given in paragraphs 9.9 and 9.10 above inform the character of the area, and this is a material consideration in assessing this application. The proposed dwelling is not considered overly dominant or prominent within the streetscene. The proposed dwelling has been carefully designed, the roof would be hipped along all sides thereby reducing its bulk and the front projecting gable would sit subservient to the main roof. As such, the replacement dwelling would relate well with the surrounding area in terms of its siting and orientation. On balance, it is considered that the larger replacement dwelling would not appear discordant with the character of the area and are therefore considered acceptable in this instance.
- 9.12 Furthermore, the application site benefits from a large rear garden, therefore, the resultant dwelling would not appear cramped within its plot when viewed from the front and rear of the application site.
- 9.13 In terms of elevational design and treatment, no objection is made to the proposed fenestration. Whilst Georgian style windows are not prevalent in the surrounding street scene, given its mixed character with individually designed properties, it is not evident why the proposed Georgian fenestration, or surrounding front elevation design, should not be compatible with the maintenance and enhancement of this character.
- 9.14 Furthermore, the proposal includes a crown roof. It is noted that this type and size of roof form is common in this location. It is considered that the crown

roof feature would not be readily apparent from street level, and therefore acceptable. Notwithstanding this, in terms of visual amenity and quality of design, some crown roofs are not attractively designed and can significantly detract from the appearance of a dwelling and the overall character of the area. It is therefore considered necessary and reasonable to attach a planning condition requiring a cross-section drawing to be submitted to and approved in writing by the Local Planning Authority. Provided that the flat roof is stepped down and concealed behind the surrounding hipped roof, its impact in terms of visual amenity would be limited.

- 9.15 With regards to external materials, these would comprise brick/block finish, plain dark grey roof tiles and timber finish doors and windows. The colours of the brick and timber finish has not been specified. It is considered reasonable and necessary to require exact details of all the external materials to be submitted to and approved in writing by the Local Planning Authority.
- 9.16 Overall, subject to a condition regarding external materials, it is considered that on balance, the resultant dwelling would not appear discordant with the character of the area or result in an overdevelopment of the site. The proposal would accord with the Welwyn Hatfield Borough Council Local Plan, Northaw and Cuffley Neighbourhood Plan, and the National Planning Policy Framework.

## **2. Residential amenity**

- 9.17 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.18 Policy SADM11 provides the local policy framework for assessing the impact of development on the residential amenity and living conditions of neighbouring properties and aims to ensure adequate amenity for future occupiers of the proposed development. This is expanded upon in the Council's SDG which outlines that development should be designed and built to ensure that there is a satisfactory level of sunlight and daylight, that adequate amenity space is provided and that overlooking is minimised. Policy D2 of the NCNP Neighbourhood Plan is also relevant.
- 9.19 Policy SADM11 additionally states that as a minimum, all proposals for C3 dwellings will be required to meet the Nationally Described Space Standard, unless it can be robustly demonstrated that this would not be feasible or viable. Therefore, the National Technical Housing Standard, March 2015 is a material consideration.
- 9.20 The most likely neighbours to be impacted are those at No. 11 and 15 Tolmers Road.

### *i) Neighbour impact*

- 9.21 During the course of the application, amendments to the application were submitted which removed the rear balcony. This has overcome concerns raised by neighbours regarding overlooking and privacy.
- 9.22 The application site is on higher ground than No 11 Tolmers Road, as discussed in paragraph 9.10, the replacement dwelling would be taller than this neighbouring property. Additionally, the proposal would be set back from the front wall of No 11 by approx. 2.5m and would project the rear wall of this neighbouring property by approx. 5.5m. The garage would be built up to the boundary with the No 11. However, to the rear, the utility and kitchen/breakfast room would be set away from this neighbouring boundary by approx. 1.6m. The rear gardens of the application site and No 11 are east facing, therefore, the neighbouring property would receive sufficient day light most of the day. Additionally, the proposal complies with the 45 degree rule and would not appear overbearing towards this neighbouring property. On balance, it is considered the proposal would not cause adverse impacts to the amenities of the neighbouring occupiers to a degree sufficient to warrant refusal.
- 9.23 In terms of No 15 Tolmers Road, the proposed dwelling would project the front and rear wall of this neighbouring property by approx. 1.2m and 0.8m respectively. The main ridge line of the proposed dwelling would be lower than the neighbouring dwelling. It is therefore considered that the proposal would not impact on the living conditions of neighbouring occupiers in terms of overbearing and loss of light.
- 9.24 The side elevation windows facing No 11 and 15 would serve bathrooms. These windows are likely to be obscure glazed however, in order to maintain privacy of the neighbouring occupiers, a condition is attached to ensure that this flank window would be obscure glazed and fixed shut below 1.7 metres.
- 9.25 The proposed rooflights on the side elevations would be 1.7m above the floor level. It is considered that these would not impact on the living conditions of neighbouring occupiers in terms of loss of privacy.
- 9.26 Whilst a substantial dwelling would be introduced on this site, to the rear, there would be acceptable distance between the application site and No 28 and 29 Tolmers Gardens. As such, the proposal would not impact on the living conditions of these neighbouring occupiers.

*ii) Future occupiers*

The proposed layout is considered to provide adequate living conditions for future occupiers with regard to natural light and internal space. The proposed dwelling would meet the minimum requirements for floor space and storage for new dwellings as set out by the NDSS. The rear garden is of a considerable size.



9.27 Overall, subject to the suggested conditions, the proposal would not have an impact on neighbouring and future occupiers and would be in accordance with the local and national policies.

### **3. Highways and transport considerations**

9.28 Policy SADM12 of the Local Plan in regard to parking is informed by the standards that are set out within the Council's parking standards. The Parking Standards SPG use maximum standards that are not consistent with the Framework and are therefore afforded less weight. In light of this, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size, context, and its wider surroundings.

9.29 Policy SADM2 also states that development proposals will be permitted provided there would be no negative impacts on highway safety, they are designed to allow safe and suitable means of access and site operation and they provide satisfactory and suitable levels of parking.

#### *(i) Highway safety*

9.30 The Highway Authority were consulted and they raised an objection to the proposed additional access. This was considered to be detrimental to highway safety and contrary to the HCC's dropped kerb policy.

9.31 During the course of the application, amended plans were received which removed the additional access point. The proposal therefore now retains the existing access arrangement and is considered acceptable in terms of highway safety.

#### *(ii) Car parking*

9.32 The application site is located within parking Zone 4; the parking standards require a property with four bedrooms to provide 3 off road spaces. The dwelling would have 6 bedrooms. The proposal includes an integrated garage and the site benefits from a large driveway which would provide adequate on-site car parking provision for the resultant dwelling in line with the Council's SPG.

#### *(iii) Construction Traffic Management Plan*

9.33 Tolmers Road is a narrow road. It is considered essential to ensure that a Construction Management Scheme is submitted to and approved in writing by the Local Planning Authority.

9.34 Subject to the suggested condition, it is considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways.

#### **4. Other considerations**

##### *i) Landscaping and trees*

9.35 The NPPF sets out at paragraph 135 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 136 acknowledges that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

9.36 Policy SP9 of the Local Plan requires that the appropriate definition of spaces should be created or maintained through the siting, layout and design of routes, buildings, landscaping and boundary. These principles are broadly consistent with Policy SADM11 which states that the outlook and visual amenity afforded from within buildings and private/communal garden areas should be satisfactory, taking account of for instance, boundary treatments and landscaping.

9.37 Landscaping is important in order to protect and maintain, or ideally enhance, the existing character of the area and to reduce the visual and environmental impacts of the development. It is important that an appropriate balance between hard and soft landscaping is maintained and the Council will aim to ensure that a proportion of the site frontage is retained as landscaped 'greenery' to reduce the visual prominence of hard surfacing and parked vehicles.

9.38 There are small trees in front of the application site, these are likely to be removed. The plans do not show details of retention or removal of trees. Submitted drawing Nos 2402/11 and 2402/16 shows the location of both proposed soft and hard landscaping to the front and rear of the application site. The majority of the front garden would feature permeable paving which would allow rainwater to drain easily, reducing run-off to the surrounding area. However, the proposal does not include specific details of the proposed soft landscaping. The front boundary would feature hedges and low brick wall which would be less than a one metre in height. However, details of the materials and type of hedge have not been provided. It is considered necessary and reasonable to attach a condition to requiring a detailed landscaping scheme to be submitted to and agreed in writing by the Local Planning Authority. The scheme of landscaping should show the type and extent of trees, to be retained and removed, specifications of species and sizes and hard landscape features. This would be required to maintain and

enhance the visual character of the area in accordance with local and national policies.

*ii) Ecology and biodiversity*

- 9.39 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible. Paragraph 186 of the NPPF goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 186(d) of the NPPF that “opportunities to incorporate biodiversity improvements in and around developments should be encouraged”.
- 9.40 Policy SADM16 states that proposals will be expected to maintain, protect, conserve and enhance biodiversity. All developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%.
- 9.41 Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development.
- 9.42 With respect to whether a site is considered to be exempt from BNG, the site is considered to be 'small development' which is defined by the Government as 'not major developments'. A small development is taken to mean, in the instance of this site, as a 'residential development where the number of dwellings is between 1 and 9, or if this is unknown, the site area is less than 0.5 hectares'. Small scale developments that were submitted prior to 2nd April are exempt from providing a measurable biodiversity net gain of at least 10%. This is the case for this application.
- 9.43 In light of the above, whilst the site is currently exempt from providing a measurable biodiversity net gain of at least 10%, Policy SADM16 and the NPPF require proposals to enhance biodiversity. In this instance, the proposed soft/hard landscaping condition suggested above would help to ensure that biodiversity is enhanced on site, by way of ecological enhancements to encourage wildlife.

*iii) Sustainable design and low carbon homes*

- 9.44 In June 2019 Welwyn Hatfield declared a Climate Change Emergency, with the aspiration of achieving net-zero carbon emissions by 2030.
- 9.45 The NPPF, at paragraph 157, sets out the broad objectives that the planning system should support the transition to a low carbon future in a changing climate. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

- 9.46 Paragraph 162 states that, in determining planning applications, local planning authorities should expect new development to:
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
  - b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 9.47 Local Plan Policies SP10 and SADM13 seek to maximise opportunities for reducing carbon emissions; encourage the use of renewables where it is appropriate and consistent with other policies; and ensure that proposals are responsive to how the climate will change over their lifetime and minimise their contribution to the urban heat island effect. This is consistent with the environmental objective of sustainable development as outlined in Policy SP1 of the Local Plan.
- 9.48 The applicant has not submitted any details of energy efficient construction. It is considered reasonable to require details of energy-efficient construction materials and processes, including measures for long term energy and water efficient use of the building, to be submitted to and approved in writing by the Local Planning Authority by way of a planning condition.
- vi) Refuse and recycling*
- 9.49 Drawing No. 2402/11 shows that bins would be stored within the front boundary between the proposed gates. However, details of the type, elevations or the external finish of the storage have not been provided. In the event of a recommendation for approval, these details can be secured through a suitably worded planning condition.
- vii) Neighbour representations*
- 9.50 The height of the proposed chimney does not exceed 1m above the highest part of the roof. It would relate well to the proposed dwelling. Moreover, the chimney can be implemented under permitted development.
- 9.51 The comments regarding the discrepancy between 3D drawings and proposed site and sections plans are noted. It should be noted that 3D view plans are for illustrative purposes and the details on the site and section plans have been taken into consideration when assessing the application.
- 9.52 Neighbour consultation was carried out in accordance with the Development Management Procedure) (England) Order 2015. All the relevant adjoining neighbours were consulted. Nos 5, 7 and 9 do not share a boundary with the application site and were therefore not consulted.

9.53 The proposal does not include flood lighting. Domestic external light fittings are not subject to planning controls. Nevertheless, when installed, property owners are advised that the intensity and direction of light should not disturb neighbouring occupiers. Separate legislation exists to control nuisance from light pollution.

## **10 Conclusion**

10.1 Subject to the suggested conditions, the proposed scheme would comply with local and national policies. Accordingly, and for the reasons given, the proposal is recommended for approval.

## **11 Recommendation**

11.1 It is recommended that planning permission be approved subject to the following conditions:

### **Conditions:**

1. No development shall commence until a Construction Management Scheme has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved Plan. The Construction Management Scheme shall identify details of:
  - a) construction vehicle numbers, type, routing;
  - b) access arrangements to the site;
  - c) traffic management requirements;
  - d) construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e) siting and details of wheel washing facilities;
  - f) cleaning of site entrances, site tracks and the adjacent public highway;
  - g) timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h) provision of sufficient on-site parking prior to commencement of construction activities;
  - i) post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
  - j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

REASON: To protect highway safety and the amenity of other users of the public highway and rights of way; to protect the living conditions of neighbouring properties, in accordance with Hertfordshire's Local Transport Plan; the Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework.

2. No development above ground level (excluding demolition) shall take place until details of the proposed crown roof have been submitted to and approved in writing by the Local Planning Authority. The details, including; a roof plan, elevations and sections, at an appropriate scale, must clearly show that the flat roof is stepped down and concealed behind the surrounding hipped roof. The hipped roof must use ridge tiles. Subsequently the development must not be carried out other than in accordance with the approved details.

REASON: The proposal contains insufficient information in regards to the detailed design of the roof and this is required in the interests of quality of design and visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

3. No development above ground level (excluding demolition) shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

4. No development above ground level (excluding demolition) shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- a) means of enclosure and boundary treatments;
- b) hard surfacing, other hard landscape features and materials;
- c) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction;
- d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing and
- e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife.

REASON: The landscaping of this site is required in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

5. No development shall commence (excluding demolition) until details of energy-efficient construction materials and processes, including measures for long

term energy and water efficient use of the building, have been submitted to and approved in writing by the Local Planning Authority. These measures should promote the use of renewable resources and involve sustainable drainage, heating and power systems. The building shall be constructed in accordance with the agreed materials, processes and systems, and shall thereafter be maintained in the approved form.

REASON: To ensure that the development contributes towards Sustainable Development and Energy efficiency in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

6. No development above ground level (excluding demolition) shall take place until full details of refuse and recycling storage have been submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling storage shall be constructed, equipped and made available for use prior to first occupation of the development and thereafter retained for this purpose.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

7. The first-floor side elevation windows [facing No 11 and 15 Tolmers Road] of the building hereby approved must be obscure-glazed to a level equivalent to Pilkington Level 3 or above and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall be retained in that form thereafter. Obscure glazing does not include applied film or one-way glass.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. The side elevations of the balcony screen (facing No 11 and 15 Tolmers Road) of the building hereby approved must be obscure glazed obscure-glazed and be 1.7m above external finished level and shall be retained in that form thereafter.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

9. The development must not be carried out other than in accordance with the approved landscaping details and all landscaping must be carried out in the first planting and seeding seasons following the occupation of any part of the development, or the completion of the development, or in agreed phases, whichever is the sooner. Any plants which within a period of five years from planting die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species. All

landscape works must be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure implementation of the approved landscaping details in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

#### DRAWING NUMBERS

10. The development/works shall not be started and completed other than in accordance with the approved plans and details:

<b>Plan Number</b>	<b>Details</b>	<b>Received Date</b>
2402/20	Location Plan	2 April 2024
2402/14	Proposed Block Plan	2 April 2024
2402/15	Existing Block Plan	2 April 2024
2402/12	Proposed Section- Section A-A	2 April 2024
2402/13	Proposed Section - Section B-B	2 April 2024
2402/05	Proposed Ground Floor Plan	2 April 2024
2402/06	Proposed First Floor	2 April 2024
2402/07	Proposed Second Floor & Roof Plan	2 April 2024
2402/08	Proposed Front & Side Elevation	2 April 2024
2402/09	Proposed Rear Elevation & Proposed Side Elevation II	2 April 2024
2402/11	Proposed Site Plan	2 April 2024
2402/04	Existing Site Plan	2 April 2024
2402/01	Existing Ground Floor & Roof Plan	2 April 2024
2402/02	Existing Front & Side Elevation	2 April 2024
2402/03	Existing Rear Elevation & Existing Elevation II	2 April 2024
2402/16	Parking Layout	2 August 2024

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

#### 1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 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 viewed on the Council's website or inspected at these offices).

#### **Informatives:**



1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
3. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

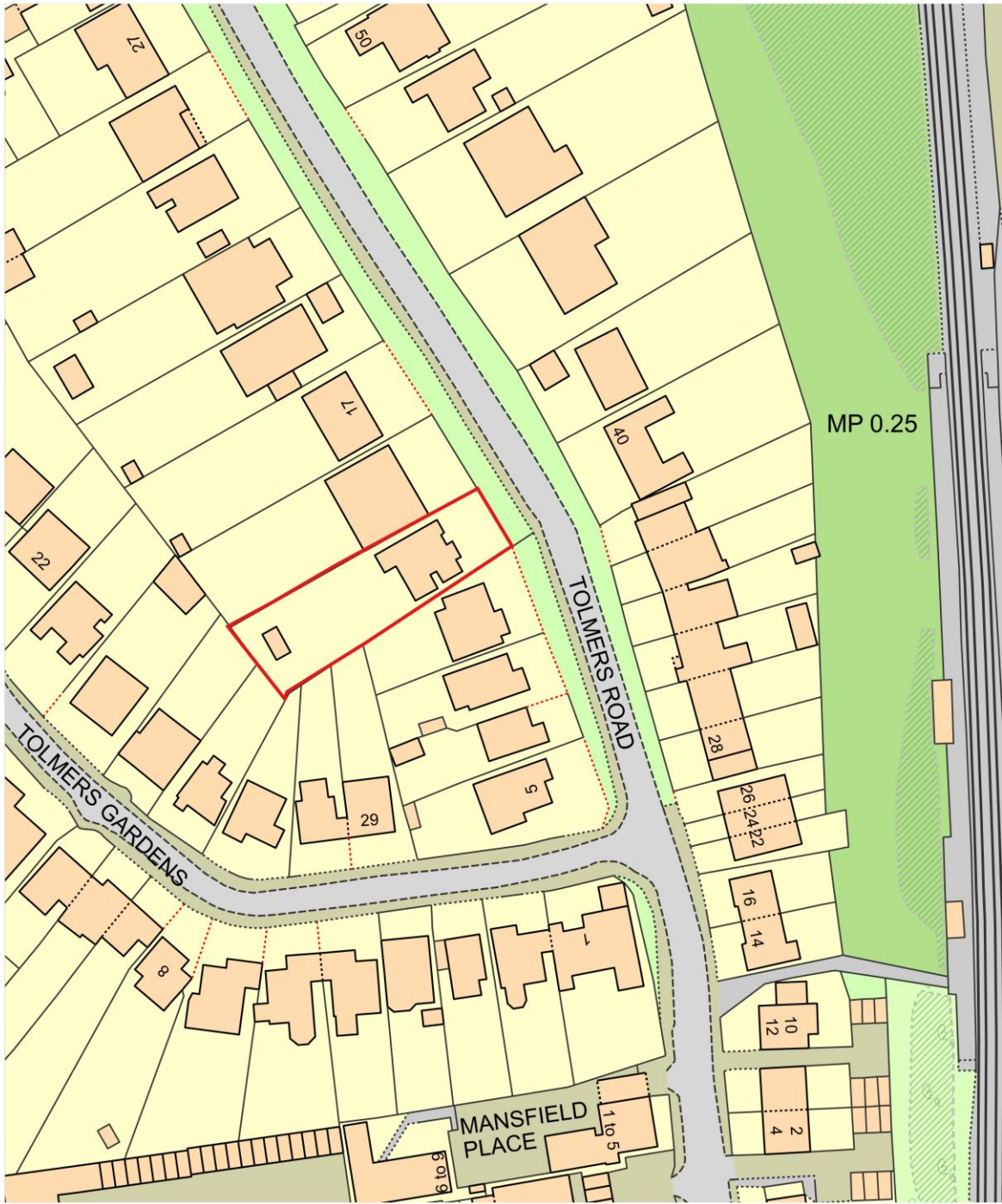
The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.


Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)

Lizzie Mugova (Development Management)  
Date: 20/08/2024



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title:		Scale:
	13 Tolmers Road Cuffley EN6 4JF		1:5000
	Development Management Committee		Date:
	6/2024/0608/FULL		29-08-2024
		Drawn:	R.Islam
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WELWYN HATFIELD BOROUGH COUNCIL  
 DEVELOPMENT MANAGEMENT COMMITTEE – 24<sup>th</sup> October 2024  
 REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

## Appeal Decisions 30/08/2024 to 11/10/2024

6/2024/0437/HOUSE	
<b>DCLG No:</b>	APP/C1950/D/24/3344603
<b>Appeal By:</b>	Mr Gent Sadiku
<b>Site:</b>	125 Dawley Welwyn Garden City AL7 1EB
<b>Proposal:</b>	Erection of a two storey rear and side extension. Installation of new front windows. Relocation of entrance door to new extension.
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	24/09/2024
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	<p>This appeal was for the erection of a two storey rear and side extension. Installation of new front windows. Relocation of entrance door to new extension.</p> <p>The Planning Inspectorate agreed that the changes proposed to the appearance of the appeal dwelling from the public domain would be harmful to the character and proportions of the existing house and the rhythm in the streetscene. In addition, the proposed extensions would have deleterious effects on the neighbours at Nos.123 and 127.</p> <p>The appeal is dismissed</p>
6/2024/0152/HOUSE	
<b>DCLG No:</b>	APP/C1950/D/24/3343852
<b>Appeal By:</b>	Mr and Mrs Adam Sewell
<b>Site:</b>	Garden Cottage Danesbury Park Road Welwyn AL6 9SE
<b>Proposal:</b>	Erection of annex following demolition of an existing one bedroom annex, partial demolition of existing stables building, removal of shipping containers and reduction in area of existing hard standing
<b>Decision:</b>	Appeal Dismissed
<b>Decision Date:</b>	08/10/2024
<b>Delegated or DMC Decision:</b>	Delegated
<b>Summary:</b>	This application follows the refusal of planning permission for the demolition of an

existing one bedroom annex; partial demolition of existing stables building; removal of shipping containers; reduction in area of existing hard standing; and erection of a replacement residential annex.

As background there were two recent appeal decisions that relate to the lawfulness of the existing stables and annex (references APP/C1950/X/22/3296178 and APP/C1950/X/22/3296181). These appeals determined that the two structures had become lawful due to the passage of time. However, it was not accepted that the stables or the annex were part of the same planning unit as the dwelling. There was insufficient evidence to demonstrate that a lawful residential use of the stable land or the annex had been established. The Inspector found that the red line of the application site includes a considerable area including the existing dwelling and areas not found to have a lawful residential use.

On whether the development is inappropriate development the Inspector concluded, from previous decisions, that the land is occupied by permanent structures and it represents previously developed land. They said that the proposal would result in a new building at ground floor level of a similar scale to the existing annex building to be replaced. However, it would also include a significant area of subterranean development with a result that the two storey building and associated built lower terrace would substantially increase the scale of development compared to the existing annex. The removal of part of the area of hardstanding outside the stables formed part of the application. The Inspector said this was not considered to be permanently surfaced and plants are already growing through it. Returning it to meadow would not add significantly to the openness of the area. The Inspector also concluded that the proposal would result in a greater scale of development overall, and it would reduce the openness of the Green Belt.

The Inspector gave due consideration to other benefits set out by the appellant such biodiversity enhancement measures and benefits to family members, but that these benefits must be considered on the basis that the proposal represents a single dwelling in a location that is not highly accessible. The Inspector concluded that these do not represent the very special circumstances that are necessary to justify the development

The appeal was dismissed.

WELWYN HATFIELD BOROUGH COUNCIL - DEVELOPMENT MANAGEMENT COMMITTEE  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

PLANNING UPDATE – FUTURE PLANNING APPLICATIONS

**1 Introduction**

- 1.1 This report is for the Development Management Committee to provide a summary of applications that might be presented to Committee over the coming months. If the call-in or application is withdrawn, the item will not be presented.
- 1.2 The applications should not be debated as part of this agenda, however any Councillor wishing to raise specific points about the proposal – such as a need for planning obligations or issue(s) that might not readily be apparent from the proposal or any other matter, may do so and the case officer will consider, where they are planning considerations, these matters raised as part of the future Committee report.
- 1.3 Appendix 1 comprises all applications that have been called-in or objected to by Town or Parish Councils. Appendix 2 comprises those that are a departure from the Local Plan, Officers consider should be determined by Development Management Committee, the applicant is the Borough Council or it has an interest in the land and an objection has been received.

**2 Recommendation**

- 2.1 That members note this report.

Appendix 1 - Applications comprising call-ins or major objections							
Ward	Application Ref	Site Address	Proposal	Case Officer	Called in by	Call In Date	Expected DMC
Hatfield East	<a href="#">6/2024/1644/FULL</a>	60 Wood Close Hatfield AL10 8TX	Change of use from 6 resident House in Multiple Occupation (HMO) (C4) to 8 resident HMO (Sui-Generis)	Ms Jessica Fuller	Councillor Cathy Watson, Welwyn Hatfield Borough Council	30/09/2024	
Hatfield South West	<a href="#">6/2024/1114/FULL</a>	17 Thrush Avenue Hatfield AL10 8QU	Subdivision of existing dwelling into two dwellings with additional parking space	Ms Elizabeth Mugova	Councillor Helena Goldwater, Welwyn Hatfield Borough Council	01/08/2024	
Hatfield Villages	<a href="#">6/2023/1677/FULL</a>	Emmanuels Farm Great North Road Welwyn Garden City AL8 7TA	Change of use of land to add 4 pitches for Gypsy/Traveller family, comprising the siting of 1 mobile and 1 touring caravan per pitch, formation of access road and retention of the existing temporary pitch granted	Mr William Myers	Councillor Samuel Kasumu, Welwyn Hatfield Borough Council	09/11/2023	
Hollybush	<a href="#">6/2023/1220/FULL</a>	Land off Beehive Lane Welwyn Garden City AL7 4BW	Change of use from sui generis to dwellinghouse (class C3) and erection of 4 new dwelling houses, with associated access, car parking, amenity space and landscaping following demolition of existing building (amended scheme)	Ms Emily Stainer	Councillor Lynn Chesterman, Welwyn Hatfield Borough Council	05/09/2023	
Northaw and Cuffley	<a href="#">6/2024/1433/MAJ</a>	Woodlands Well Road Northaw Potters Bar EN6 4BN	Erection of dwelling following the demolition of existing dwelling with a reconfiguration of the domestic curtilage and associated works	Mr Mark Peacock	The Clerk, Northaw & Cuffley Parish Council	03/10/2024	

Northaw and Cuffley	<a href="#">6/2024/1608/FULL</a>	45 Hill Rise Cuffley Potters Bar EN6 4EH	Erection of two detached dwellings following the subdivision of the existing plot	Ms Jessica Fuller	The Clerk, Northaw & Cuffley Parish Council	04/10/2024	
Peartree	<a href="#">6/2021/0181/MAJ</a>	Former Shredded Wheat Factory Broadwater Road Welwyn Garden City AL7 1RR	Hybrid planning application comprising: Detailed Planning Application for 399 Private Rented Sector (PRS) dwellings and 153 dwellings (Class C3), 250 units of residential care accommodation for the elderly (Use Class C2) with associated communal facilities, 15,247m2 of community and commercial hub (Use Classes E and F1) with associated cycling hub, car parking, access, landscaping, public art and other supporting infrastructure; and Outline Planning Application for up to 418 dwellings (Class C3) with all matters reserved except access.	Mr William Myers	Councillor Malcolm Cowan, Welwyn Hatfield Borough Council	18/02/2021	
Peartree	<a href="#">6/2021/0671/MAJ</a>	South Side Former Shredded Wheat Factory Broadwater Road Welwyn Garden City	Erection of 317 dwellings (Class C3) with associated access, parking, landscaping and other supporting infrastructure, and outline planning for up to 404 dwellings (Class C3) with all matters reserved for access.	Mr William Myers	Councillor Malcolm Cowan, Welwyn Hatfield Borough Council	31/03/2021	
Welham Green & Hatfield South	<a href="#">6/2016/1493/VAR</a>	Thunderbridge Yard Bulls Lane Hatfield AL9 7BB	Variation of condition 1 to extend the temporary permission; condition 3 to permit eight caravans of which no more than five would be static caravans; condition 4 to vary the approved drawings; and condition 5 to vary the site development scheme; of planning permission S6/2011/0116/FP	Mr Mark Peacock	Councillor Paul Zukowskyj, Welwyn Hatfield Borough Council	22/08/2016	
Welham Green & Hatfield South	<a href="#">6/2023/0988/VAR</a>	Roundhouse Farm, Land Off of Bullens Green Lane, Colney Heath	Variation to conditions 2 (boundary and surface treatment plan), 3 (fire tracking and parking plan), 4, (visitor spaces on fire tracking and parking plan), 5 (on plot garages on fire tracking and parking plan), 6 (soft landscaping), 7 (Landscape and ecological management plan), 8 (arboricultural method statement) and 10 (approved plans) on planning permission 6/2022/0824/RM	Mr David Elmore	Councillor Paul Zukowskyj, Welwyn Hatfield Borough Council	16/05/2023	
Welham Green & Hatfield South	<a href="#">6/2024/0628/FULL</a>	Glendee Boarding Kennels Dixons Hill Close Welham Green Hatfield AL9 7EN	Erection of nine dwellings, including access road, hard standing and fencing following the demolition of existing buildings	Ms Elizabeth Mugova	Christine Wootton, North Mymms Parish Council	14/05/2024	
Welwyn East	<a href="#">6/2023/2093/MAJ</a>	57 New Road Digswell Welwyn AL6 0AL	Erection of two new residential apartment buildings to provide 12 x 2-bedroom and 5 x 3-bedroom apartments, construction of access, landscape planting and ancillary development following the demolition of existing house and outbuildings	Mr Raymond Lee	Arooj Afzal, Welwyn Parish Council	09/11/2023	
Welwyn East	<a href="#">6/2023/2483/FULL</a>	38 New Road Digswell Welwyn AL6 0AH	Erection of a detached two storey building with accommodation at lower ground level comprising 9 apartments following demolition of existing property with associated bin and cycle storage and car parking provision	Mr Raymond Lee	Arooj Afzal, Welwyn Parish Council	15/01/2024	

Welwyn East	<a href="#">6/2024/0576/HOUSE</a>	46 New Road Woolmer Green SG3 6LB	Erection of single storey front extension, extension and alterations to front/side dormers, part single storey and part two storey rear extension, alterations to window and door openings following demolition of verandah	Ms Elizabeth Mugova	Councillor Julie Cragg, Welwyn Hatfield Borough Council	03/05/2024	
Welwyn East	<a href="#">6/2024/1183/MAJ</a>	55 New Road Digswell Welwyn Hertfordshire AL6 0AL	Erection of 3 storey 10 x apartment following demolition of existing dwelling, alterations to access, provision of parking and bin/cycle stores	Mr Raymond Lee	Arooj Afzal, Welwyn Parish Council	18/07/2024	Nov 2024
Welwyn West	<a href="#">6/2016/0270/VAR</a>	Four Oaks 1-4 Great North Road Welwyn AL6 0PL	Variation of conditions 1 (occupants) and 2 (number of caravans) of Planning Permission N6/2010/0211/S73B to increase the number of caravans from 10 to 20 of which no more than 5 shall be static caravans or mobile homes.	Mr Raymond Lee	Councillor Julie Cragg, Welwyn Hatfield Borough Council	02/03/2016	
Welwyn West	<a href="#">6/2024/0080/FULL</a>	Land to the front of The Frythe and to the south of Butterwick Way Wilshere Park Welwyn Garden City	Addition of 14 visitor parking bays	Mr James Wells	Councillor Tony Kingsbury, Welwyn Hatfield Borough Council	05/03/2024	Nov 2024

**Appendix 2 - All other applications not comprising call-ins or major objections**

Ward	Application Ref	Site Address	Proposal	Case Officer	Reason	Expected DMC
Howlands	<a href="#">6/2020/1162/MAJ</a>	Howlands House, Howlands, Welwyn Garden City AL7 4SD	Erection of 72 units of temporary residential accommodation with a staff office, children's play area, parking, cycle store, refuse areas, landscaping and amenity space, following demolition of existing buildings	Mr William Myers	This is a major application which has been submitted by the Council's Housing team and officers consider that in accordance with the constitution it should be dealt with by the Council's Development Management Committee.	

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