

Part I

Executive Member: Councillor S. Boulton

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 5 DECEMBER 2019
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2019/2002/HOUSE

20 ROE GREEN CLOSE, HATFIELD, AL10 9PE

ERECTION OF PART SINGLE, PART TWO STOREY REAR EXTENSION
FOLLOWING DEMOLITION OF EXISTING CONSERVATORY AND ERECTION OF
SINGLE STOREY SIDE PORCH

APPLICANT: Mrs A Saberian

(Hatfield South West)

1 Site Description

- 1.1 The application site is located on the north east side of Roe Green Close which forms a wider residential loop of properties. The application property is one of a row of three similar link-detached two storey dwellings.
- 1.2 The site comprises a two storey four bedroom link-detached dwelling with single storey rear extensions and a detached garage. The site benefits from front and rear gardens with on-site car parking for two cars.

2 The Proposal

- 2.1 The application seeks planning permission for the erection of a part single, part two storey rear extension following demolition of existing conservatory and the erection of single storey side porch.
- 2.2 The porch would project approximately 1.4m in width by 3.7m in depth with a flat roof approximately 2.6m in height. A flat roof open canopy extending a further 1m in front of the porch is also proposed. To the rear, a part single, part two storey extension is proposed across the width of the dwelling. The single storey element would extend along the shared boundary approximately 1.5m further in depth than the existing joint store/utility room of the properties and would be finished with a flat roof. The two storey extension would be set in 2m from the boundary and would measure approximately 3m in depth by 4.1m in width before stepping out a further 1m and measuring approximately 4m in depth by 4.6m in width. The two storey extension would feature two pitched roofs with a central valley and hipped ends.
- 2.3 The proposed extensions would be finished in smooth painted render and roof tiles to match the existing dwelling.

- 2.4 The property would remain a 4-bedroom dwelling. The existing vehicle access and on-site car parking provision would remain unchanged.
- 2.5 A number of amendments have been made from the original submission and consultees and neighbours have been re-consulted. For reference, these changes include:
- Amendment to roof design of the two storey rear extension from two gable ends to two hipped roofs;
 - Removal of dropped kerb from drawings and removal of an objection from the Highway Authority;
 - Change of 'objection' to 'comment' from the Council's Parking Services Team in respect of parking provision;
 - Submission of Chalk Mining Site Investigation Report; and
 - A granted Certificate of lawfulness for a single storey rear extension, two storey rear extension and single storey side extension

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Hatfield Town Council have submitted a Major Objection and Councillor James Broach has called-in the application.

4 Relevant Planning History

- 4.1 Application Number: 6/2019/12646/LAWP
Decision Date: 26 November 2019
Proposal: Certificate of lawfulness for the erection of a single storey side, single and two storey rear extensions and installation of rear roof light following demolition of existing conservatory and rear extension
Decision: Granted
- 4.2 Application Number: S6/2006/2646/FP
Decision Date: 25 April 2006
Proposal: Erection of rear conservatory
Decision: Granted

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan 2016)
- 5.4 Supplementary Design Guidance 2005 (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

6 Site Designation

- 6.1 The site lies within the town of Hatfield as designated in the Welwyn Hatfield District Plan 2005. The site is located within the buffer zone to Chalk Mining Area No.10 (Roe Green Dell).

7 Representations Received

- 7.1 The application was advertised by means of neighbour notification letters. 11 objections and 1 comment have been received from occupiers in Roe Green Close. These can be summarised as:

- Out of character with surrounding properties
- Overdevelopment of the site
- Increased footprint
- Noise and dust
- Loss of privacy
- Loss of light
- Possible HMO
- Rear garden quality reduced
- Loss of front hedge
- The proposed parking area too small for two cars

8 Consultations Received

- 8.1 Councillor James Broach has called-in this application. The reason for the call in is as follows:

"I would like to call this application in for consideration at DMC. Much like the previous application at No. 16, neighbours have expressed concern at the size and bulk of this proposal placing a risk to the enjoyment of their amenity space, and also loss of light. No. 18 is particularly at risk of this due to two active applications at No. 16 and 20."

- 8.2 Hertfordshire County Council Transport Programmes and Strategy – Comment: There are no highway related works proposed. The proposal is unlikely to lead to demonstrable harm to the highway network in terms of free flow and capacity.
- 8.3 Welwyn Hatfield Borough Council Parking Services – Comment: There should be three parking spaces as per the Council's Parking Standards.

9 Town Council Representations

- 9.1 Hatfield Town Council – Major Objection submitted with the following comment:

“The Members consider this as over development of the site with the rear extension going to the boundary of the property and object to loss of amenity land for access to front garden parking spaces.”

10 Analysis

- 10.1 The main planning issues to be considered in the determination of this application are:
- 1. Quality of design and impact on the character and appearance of the area**
 - 2. Amenity and living conditions of neighbouring occupiers**
 - 3. Highways and parking provision**
 - 4. Other considerations**
 - i) Chalk mining**
 - ii) Neighbour representations**
- 1. Quality of design and impact on the character and appearance of the area**
- 10.2 District Plan Policies D1 and D2 require the standard of design in all new development to be of a high quality and that all new development respects and relates to the character and context of the area in which it is proposed. These policies are expanded upon in the Council's SDG and are consistent with Policy SP9 of the Emerging Local Plan.
- 10.3 The National Planning Policy Framework (NPPF) places a clear emphasis on high quality design and states in paragraph 130 that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. As such, there is also consistency between the Council's District Plan, Emerging Local Plan and the NPPF.
- 10.4 The application dwelling is situated in a row of three link-detached properties which all feature hipped roofs and were designed with a small adjoining store to the side which link all three. The properties were constructed with facing brick at ground floor and smooth painted render at first floor under concrete pantiles.
- 10.5 With the exception of the recent applications at No.16 and an application at No.2 in 2015, within this particular loop, there have been no other planning applications submitted for two storey extensions. Whilst it is noted that additions to neighbouring properties have been limited to single storey extensions, the application site is generously sized with spacing either side of the property and a garage block to the east. Therefore, the principle of a two storey extension is not objectionable, subject to the suggested considerations below.

- 10.6 The proposed porch would project approximately 1.4m in width by 3.7m in depth with a flat roof approximately 2.6m in height. A flat roof canopy extending approximately 1m in front of the porch is also proposed. Compared to the host dwelling, the porch would appear subordinate in scale and the materials and fenestration detailing would match existing. The porch extension would reflect and relate to the appearance of the dwelling and would maintain the character of the area.
- 10.7 The part single, part two storey rear extension would extend across the width of the existing dwelling. Whilst the extension would inevitably increase the bulk and mass of the dwelling, it is not considered that the size of the extension would overwhelm the original dwelling. It has been designed to relate well to original dwelling by virtue of the hipped roof design, stepped projection, fenestration detailing and matching materials. The extension is not considered to result in harm to the appearance of the existing dwelling or character of the area.
- 10.8 A Certificate of lawfulness has been granted under application reference 6/2019/2646/LAWP for a single storey rear extension measuring 3m in depth, a two storey rear extension measuring 3m in depth and a single storey side extension. The two storey rear extension granted under the Certificate is 1m less in depth than part of the proposed extension seeking planning permission and 0.7m less in width. The site therefore has a fall-back position of a 3m deep two storey rear extension, single storey rear extension and single storey side extension.
- 10.9 The table below sets out a comparison of the increase in footprint and floor space of the proposed extension under this application and granted Certificate of lawfulness to the original dwelling.

	Footprint	Percentage increase (%)	Floorspace	Percentage increase (%)
Original dwelling	65 sqm		120 sqm	
Proposed extensions	35 sqm	53.8%	65 sqm	54.2%
Certificate of lawfulness	31 sqm	48%	55 sqm	46%

- 10.10 Whilst the proposal would be approximately 53.8% larger in footprint and 54.2% larger in floorspace than the original dwelling, weight is given to the amount of development achievable without applying for planning permission (approximately 48% larger in footprint and 46% larger in floorspace).
- 10.11 In terms of the cumulative bulk, the proposed side and rear extensions are single storey with flat roofs, respecting the form and character of the single storey built form along this row of properties. The scale of the two storey rear

extension has an established fall-back position, whereby the applicant could exercise their rights to build a similar two storey rear extension.

- 10.12 It is not considered that the cumulative additions would overwhelm the host dwelling. Furthermore, the dwelling is set within a generous plot with sufficient spacing either side so as not to appear cramped. A functional rear garden measuring 11.8m in depth by 20m in width would also be retained once the house is extended.
- 10.13 The proposed development would adequately respect and relate to the existing dwelling and the character of the area. Accordingly, the proposal would represent a good quality of design and would be acceptable to the provisions of Policies D1 and D2 of the District Plan 2005; the Supplementary Design Guidance 2005; Policy SP9 of the Emerging Local Plan and the National Planning Policy Framework 2019.

2. Amenity and living conditions of neighbouring occupiers

- 10.14 With regard to the impact on the amenity of adjoining neighbours, Policy D1 of the District Plan and the Supplementary Design Guidance state that any extension should not cause loss of light or appear unduly dominant from an adjoining property or result in a detrimental loss of privacy. Policy SADM11 of the Emerging Plan aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF sets out to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.
- 10.15 No.22 Roe Green Close is located to the west of the site, to the east of the site are a row of garages and to the north of the site are the rear gardens of Nos 14, 16 and 18 Roe Green Close. No objections have been received from Nos 14, 16 and 22 which all adjoin the site.

No.22 Roe Green Close

- 10.16 No.22 Roe Green Close is a two storey link-detached dwelling. This property has not been extended. It should be noted that the original objection submitted by this neighbouring occupier has been retracted.
- 10.17 The proposed single storey rear extension would extend along the shared boundary approximately 1.5m further in depth than the existing joint store/utility room of the properties. The extension would feature a flat roof approximately 2.7m high, which is approximately 400mm higher than existing store/utility room. The extension would replace a section of the existing boundary fence which is approximately 1.8m high. Taking account of the above, it is considered that the size, height and location of this extension would not have an overbearing impact on the occupiers of No.22, nor would it have a detrimental impact upon the amenity currently enjoyed by occupiers of this dwelling.
- 10.18 The two storey extension would measure approximately 3m in depth by 4.1m in width before stepping out a further 1m and measuring approximately 4m in

depth. It would be set in approximately 2m from the shared boundary whilst approximately 3.8m separation distance would be maintained from the flank wall of No.22. Whilst the dwelling would extend further into the rear garden at two storey when compared to the existing situation, as a result of the separation distance, siting, scale and design of the extension, the proposal would not appear unduly overbearing on the occupiers of No.22 and would not have a materially harmful effect in terms of sunlight/daylight and overshadowing.

- 10.19 In terms of privacy, a first floor window is proposed on the west side elevation to serve a bathroom. This is labelled as a fixed opening with translucent glazing. It would be reasonable to condition this window to ensure the privacy of both occupiers is maintained to an acceptable level.

Nos 14, 16 and 18 Roe Green Close

- 10.20 Nos 14,16 and 18 Roe Green Close are two storey link-detached dwellings located to the north east of the application dwelling and adjoining its rear garden. An objection has been received from No.18, although it is noted that their objections are not on the grounds of neighbour amenity. A concern has been raised by Cllr Broach of this property being at risk as a result of the application at No.16 and at the application property. No objections have been received from Nos 14 and 16.
- 10.21 The proposed extension would be located approximately 11.8m from the rear boundary shared with No.18 at its closest point and would be approximately 25m from the habitable windows on the rear elevation. As a result of the separation distance, scale and siting of the proposal, it is not considered that there would be a detrimental impact on the living conditions of the occupiers of No.18 in regard to light, overbearing impact and privacy.
- 10.22 With regard to Nos 14 and 16, the proposed extension would be located approximately 26m from the habitable windows on the rear elevation of No.14 and approximately 31m from No.16. As a result of the separation distance, scale and siting of the proposal, it is not considered that there would be a detrimental impact on the living conditions of the occupiers of Nos 14 and 16 in regard to light, overbearing impact and privacy.
- 10.23 To the east of the site are a row of garages, where there would be no impact as a result.
- 10.24 In summary, giving consideration to the size of the plots, separation distance of properties, their orientation and siting of windows, it is not considered that the proposal would have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring occupiers and would not appear visually overbearing by virtue of design. Overall it is considered that the amenity and living conditions of the adjoining occupiers would be maintained to an acceptable level in accordance with Policy D1 of the District Plan 2005; the Supplementary Design Guidance 2005; Policy SADM11 of the Emerging Local Plan and the National Planning Policy Framework 2019.

3. Highway and parking considerations

- 10.25 In terms of parking, Paragraph 105 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. Policy M14 of the District Plan and 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 has introduced an Interim Policy on Car Parking Standards and Garage Sizes which in effect supersedes the previous standards and requires that a sensible level of provision is made.
- 10.26 The existing property benefits from four bedrooms and two on-site parking spaces, one of which is a garage space. No changes are proposed to the existing access arrangements and existing car parking provision. The existing number of bedrooms would also remain unaltered.
- 10.27 The existing car parking provision of two on-site spaces falls short of the Council's parking guidance which recommends that three on-site car parking spaces are provided for a four bedroom dwelling in this area. However, parking standards should only be imposed where there is clear and compelling justification that they are necessary for managing the local road network. In this case, the potential for additional cars to be parked on the road as a result of the proposal is limited as the development would not result in an increase in bedrooms.
- 10.28 It is notable that most houses on Roe Green Close have a least one off-street parking space each. This immediate part of Roe Green Close also benefits from unrestricted parking which enables cars to park on-street to accommodate any on-site shortfall. It was witnessed during the site visit that there was underutilised capacity for on-street parking. Whilst it is recognised that the site visit represents only a snapshot in time and there may be more on-street parking in the evenings and at weekends, there were no clear signs of unmet demand, such as damage to grass verges. The site is also situated within a reasonably accessible location, where there is access to services and facilities by means other than the private car. The Highway Authority has not objected to the proposed development, commenting that the proposals are unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity.
- 10.29 While on-street parking in the area surrounding the site may be problematic at times, there is no substantive evidence that the proposed development would give rise to a significant increase in the demand for on-street parking, or that any such increase would necessarily cause any material harm to highway safety or the living conditions of surrounding residential occupiers. Therefore, even if some additional on-street parking was to occur, it is likely that it could be adequately absorbed along the street without any harmful congestion of the highway network. For these reasons, and in the absence of an objection from the Highway Authority, withholding planning permission on the basis of the scheme's effect on parking would be unjustified.

- 10.30 The applicant may wish to increase the level of on-site car parking in the future which would require a dropped kerb to facilitate this. The lowering of a kerb on an unclassified road is not subject to planning permission and therefore is not relevant to this application.
- 10.31 In summary, the proposal would provide an acceptable level of on-site car parking to accommodate the relative size of the dwelling and therefore is in accordance with Policy M14 of the District Plan 2005; the SPG Parking Standards 2004; the Council's Interim Policy for Car Parking Standards 2014; and the National Planning Policy Framework 2019.

4. Other Considerations

i) Chalk mining

- 10.32 Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for proposed development taking account of land instability, including from former activities such as mining. Decisions should be based on adequate site investigation information prepared by a competent person. Paragraph 179 states that "where a site is affected by land instability issues, responsibility for securing a safe development rests with the developer and/or landowner." Policy R2 of the District Plan 2005 states that in considering whether planning permission should be granted, the Council will need to be satisfied that these will be no unacceptable risk to health or the environment.
- 10.33 The site is located within a high risk chalk mining buffer zone. The applicant has submitted a Ground Investigation Report (reference P2420J1805/SRC) which confirms adequate site investigation and testing has been carried out by a Chartered Engineer. The report found no evidence of shallow voids or migrating voids beneath the footprint of the site. The report recommends that the proposed foundations of the extension are suitably reinforced to ensure loadings are adequately spread over the foundations and to prevent cracking/failure caused by differential settlement from either voids that do develop or migrate upwards beneath the site. It is considered necessary and reasonable to condition the recommendations within the report are carried out before development commences to ascertain that the proposed foundations are suitable for the proposed development and the physical constraints of the site are taken into account.

ii) Neighbour representations

House in multiple occupation (HMO)

- 10.34 A number of concerns have been raised by neighbouring occupiers regarding the possibility of the dwelling becoming a HMO. The Council introduced an Article 4 Direction covering Hatfield removing the Class L permitted development rights to move from a use falling within Class C3 (dwellinghouse) to a use falling within Class C4 (Houses in Multiple Occupation). The application is a householder planning application for extensions and does not seek permission to change the use of change from Class C3 (dwellinghouse) to a use falling within Class C4 (Houses in Multiple

Occupation). Due to the Article 4 Direction, planning permission would be required under a full planning application. An informative will be included to advise the applicant.

Covenants

- 10.35 Any existing restrictive covenants are a legal matter and the applicant would need to seek relevant consent separately. An informative is suggested so that the applicant is aware that planning permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts.

Soft landscaping

- 10.36 A neighbour has mentioned the loss of the front hedge. The site plan (drawing no.286/PL010B rev B) has been amended and the front hedge is no longer proposed to be removed. Neighbours were re-consulted on this amendment. A comment has also been made in regard to the trees in the rear garden that could reach the proposed extension if falling in that direction. Whilst these comments are noted, there is no evidence that these trees are dead, dying or dangerous and the application form confirms there are no works to trees in order to carry out the proposal. Comments have been received from the Landscaping team confirming that should the trees become dead, dying or dangerous, their removal would not be objectionable as they are not considered to be of high amenity and would not be worthy of TPO status. Furthermore, it is the responsibility of the developer and/or land owner to ensure that any works to trees are carried out in a proper manner in the interests of health and safety.

Noise

- 10.37 It should be noted that noise disturbance from the building work is covered by other legislation and therefore can only be given very limited weight in the consideration of this planning application. Due to the relatively small scale of the development, together with the temporary nature of the noise impact, it is not considered to be appropriate or reasonable to restrict the hours of construction by imposing a planning condition.

11 Conclusion

- 11.1 The proposed extensions would be of good quality design which would not add bulk to the extent where the resulting dwelling would look cramped within its plot, would not impinge on the character and context of the area and would maintain the living conditions of the adjoining occupiers to an acceptable level. The proposal would maintain adequate on-site car parking provision and subject to a condition, would not impact upon the stability of the site. Accordingly, the proposal complies with Policy D1, D2, GBSP2, R2 and M14 of the Welwyn Hatfield District Plan 2005; the Supplementary Design Guidance 2005; the Supplementary Parking Guide 2004; the Council's Interim Policy for Car Parking Standards 2014; Policies SP1, SP9 and SADM11 of

Emerging Local Plan 2016; and the National Planning Policy Framework 2019.

12 **Recommendation**

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

PRIOR TO COMMENCEMENT

1. No development shall commence until details of foundations designed by a Chartered Structural Engineer for the proposed extension hereby approved have been submitted to and approved in writing by the Local Planning Authority. These details must include scaled drawings and calculations. Subsequently the development shall not be carried out other than in accordance with the approved details.

REASON: To ensure that the foundations are suitable to the proposed development and the physical constraints of the site are taken into account in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005; and the National Planning Policy Framework 2019.

2. The brickwork, roof tile, bond, mortar, windows, detailing, guttering, soffits and other external decorations of the approved extension/alterations must match the existing dwelling/building in relation to colour and texture.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance Policies D1 and D2 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005; and the National Planning Policy Framework 2019.

3. The proposed first floor window serving the en-suite bathroom on the west side elevation of the dwelling 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 Policy D1 of the Welwyn Hatfield District Plan 2005; and the National Planning Policy Framework 2019.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
PL007A		Existing and Proposed	18 September 2019

	Elevations 1	
PL008A	Existing and Proposed Elevations 2	18 September 2019
PL004A	Existing and Proposed Ground Floor Plans	18 September 2019
PL005A	Existing and Proposed First Floor Plans	18 September 2019
286/PL006	Existing and Proposed Roof Plans	18 September 2019
286/PL002A	Existing Site Plan	22 October 2019
286/PL003B	Proposed Site Plan	26 September 2019
286/PL001	Location Plan	18 September 2019

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 (see Officer's report which can be viewed on the Council's website or inspected at these offices).

INFORMATIVES

1. The planning authority has determined the application on the basis of the information available to it but this does not warrant or indicate that the application site is safe or stable or suitable for the development proposed, or that any nearby land is structurally stable. The responsibility for safe and suitable development rests upon the developer and/or land owner and they should take expert advice from properly qualified experts to ensure that the historic chalk mining activities in the area will not adversely affect the development.
2. 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.
3. The granting of this permission does not convey or imply any consent to

build upon or access from any land not within the ownership of the applicant.

4. 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.
5. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be reinstated 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.
6. The applicant is advised of the Article 4 Direction covering Hatfield removing the Class L permitted development rights to move from a use falling within Class C3 (dwelling houses) to a use falling within Class C4 (Houses in Multiple Occupation) without planning permission.

Lucy Hale (Development Management)

Date: 18 November 2019



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: 20 Roe Green Close		Scale: DNS
			Date: 2019
	Project: DMC Committee	Drawing Number: 6/2019/2002/HOUSE	Drawn: Emma Small
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