

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 16 JUNE 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2015/2440/FULL

THE ROWANS, GREAT NORTH ROAD, HATFIELD, AL9 5DB

ERECTION OF 3 BEDROOM DETACHED DWELLING TO REAR GARDEN OF THE ROWANS

APPLICANT: Mr. F Safaoglu

(Hatfield East)

1 Site Description

1.1 The site lies within the rear garden of a detached dwelling known as “The Rowans” fronting Bull Stag Green. The Rowans is a two storey dwelling with a hipped roof situated between two sets of three and four storey dwellings. The terrace of four storey dwellings faces Burleigh Mead, a small cul-de-sac off Great North Road. The three storey terrace of dwellings faces Bull Stag Green and host flat roofs.

2 The Proposal

2.1 The full planning application proposes the erection of a three storey dwelling in the rear garden of The Rowans with access from the end of Burleigh Mead.

2.2 The new dwelling would host a hipped roof with front and rear facing gable ends. The new dwelling would host a wide and shallow footprint, measuring approximately 7.8m in depth and 10.7m in width. The siting of the dwelling on the divided plot is such that it would adjoin and form part of the boundary shared with The Rowans, retains space to the front for car parking and would host private rear and side gardens. The proposal includes the erection of a detached garage along the north east boundary of the site. The external walls of the new dwelling and detached garage would present a mix of grey facing brickwork and white render. The roofs would be constructed of grey roof tiles and the windows and doors would have blue/grey casements.

3 Reason for Committee Consideration

3.1 This application is presented to the Development Management Committee because Hatfield Town Council have objected to the application.

4 Relevant Planning History

4.1 S6/2001/1498/FP - Erection of a two storey side extension A(G) 07/01/2002

4.2 S6/1997/0066/FP - Erection of two storey side extension A(G) 11/03/1997

- 4.3 S6/1996/0171/LU - Use of existing property as single dwelling house (application for Certificate of Lawfulness) N 02/04/1996
- 4.4 S6/1977/0331/EU - Established use certificate as a betting office A(G) 08/09/1977

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2012
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Supplementary Design Guidance, February 2005 (Statement of Council Policy)
- 5.4 Supplementary Planning Guidance, Parking Standards, January 2004
- 5.5 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

6 Site Designation

- 6.1 The site lies within the town of Hatfield as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

- 7.1 The application was advertised by means of neighbour representations and 17 objections have been received from residents of The Ryde, Burleigh Mead and Bull Stag Green which may be summarised as:
- Parking and traffic issues being exacerbated
 - Impact on amenity (privacy, light, views)
 - Size of the building too big for the plot (overdevelopment)
 - Possibility of becoming a House of Multiple Occupation (HMO)
 - Out of keeping with the street scene
 - Disturbance during the build
 - Impact on the value of surrounding properties
 - The new dwelling would contravene the statement 16 house cul-de-sac in house deeds
 - Setting an unwelcome precedent for development in rear gardens

8 Consultations Received

- 8.1 The following have responded advising that they have no objections to the proposal: **Thames Water (TW)** and **Welwyn Hatfield Borough Council Client Services Department**
- 8.2 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** - No objection to amended details subject to conditions.

9 Town / Parish Council Representations

- 9.1 Hatfield Town Council originally commented as follows –

“The Town Council have noted a considerable number of residents have responded to this application. Although not objecting to the application ourselves

we would like you to consider placing the application before the committee in light of the residents concerns”

Hatfield Town Council subsequently objected to the application upon re-consultation as follows –

“Members consider this application out of keeping with neighbouring properties, over development of the site and having an adverse impact on neighbour”

10 Analysis

10.1 The main planning issues to be considered are:

- 1. The principle of the development (relevant parts of the National Planning Policy Framework 2012 and Policies SD1, H1, H2, R1, GBSP2 of the Welwyn Hatfield District Plan 2005)**
- 2. Whether or not the scheme incorporates high quality design in accordance with the principles of the Welwyn Hatfield District Plan (2005) and relates to the character and context of the area (D1, D2, Supplementary Design Guidance (SDG) and National Planning Policy Framework (NPPF))**
- 3. The impact of the proposal on the residential amenity of the adjoining properties (H4, D1 and Supplementary Design Guidance (SDG))**
- 4. Highway and Parking (M14 and SPG)**
- 5. Other Considerations**

- 1. The principle of the development (relevant parts of the National Planning Policy Framework 2012 and Policies SD1, H1, H2, R1, GBSP2 of the Welwyn Hatfield District Plan 2005)**

10.2 Policies R1 and GBSP2 of the Welwyn Hatfield District Plan 2005 encourages development to take place on previously used or developed land and directs new development towards existing towns and specified settlements. This is in line with the National Planning Policy Framework 2012 (NPPF) which encourages the provision of more housing within towns and settlements and encourages the re-use of land which has previously been developed.

10.3 The site has not been allocated as a housing site within the District Plan (H1), and as such is considered to be a “windfall site” (H2). Policy H2 directs assessment of suitability against the following criteria –

- i. The availability of previously-developed sites and/or buildings;*
- ii. The location and accessibility of the site to services and facilities by transport modes other than the car;*
- iii. The capacity of existing and potential infrastructure to absorb further development;*

iv. The ability to build new communities to support infrastructure and provide demand for services and facilities;

v. The physical and environmental constraints on development of land.

- 10.4 Whilst the Council have a 5 year housing supply, as outlined in the Annual Monitoring Report, the national situation has changed to the extent that it is considered that the country is not building sufficient housing to meet its needs. It is therefore considered that the windfall residential development proposed could make a small but valuable contribution to housing land supply.
- 10.5 The application site lies within the town of Hatfield as designated within GBSP2 of the Welwyn Hatfield District Plan. The application site is located within an existing residential area and as such the infrastructure has been developed to provide good transport links for existing residents. There are also services and facilities available within walking distance of the site. The principle of residential development is therefore acceptable against the criteria set out in Policy H2 subject to an assessment of the scheme against the following policies having regard to design, parking, and means of access as well as amenity of the occupiers of adjoining premises. Residential rear gardens, in accordance with the glossary of the National Planning Policy Framework, are not defined as previously developed land. Notwithstanding this, there is no evidence base for the availability of previously developed sites and/or buildings in the area.
- 10.6 Paragraph 53 of the National Planning Policy Framework states that “*Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would harm the local area*”. This statement follows paragraph 48 of the NPPF which has regard to windfall sites “*Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens*”. It is clear that there is, within the NPPF, some resistance to windfall sites within residential gardens, however, it is felt that Local Plan Policies H2, D1 and D2 sufficiently assess whether the harm as a result of development within residential gardens overcomes the benefits of a windfall site.
- 10.7 Overall, it is considered that the site is, in principle, acceptable as a residential windfall site. The site complies with Policy H2 of the Welwyn Hatfield District Plan in regards the criteria of suitability.

2. Whether or not the scheme incorporates high quality design in accordance with the principles of the Welwyn Hatfield District Plan (2005) and relates to the character and context of the area (D1, D2, Supplementary Design Guidance (SDG) and National Planning Policy Framework (NPPF))

- 10.8 Local Plan Policies D1 and D2, alongside the Supplementary Design Guidance (SDG), seek to ensure a high quality of design which relates to the character and context of the area. The policies require a high quality of design in all new development. These policies are in line with the NPPF section 7 in that planning should require good design.
- 10.9 Objections have been received in regards to overdevelopment of the plot, the built form being out of keeping with the street scene and setting an unwelcome

precedent for development in rear gardens. A discussion of these matters follows in this section of the report.

- 10.10 The street scene in which the new dwelling would sit is Burleigh Mead. Burleigh Mead hosts four storey town houses along the west side of the street, and three storey dwellings on the east side of the street. The character of the two sets of terraced buildings is consistent, with white cladding, dark grey brick, front facing garages and fenestration detailing and storm porches/first floor overhangs above the front doors along the west side. The roofs accommodate the upper floor of dwellings on both sides of Burleigh Mead with unusual double lean-to roofs with front facing wall below the highest ridge presenting windows.
- 10.11 The proposed dwelling would host a pitched roof with front and rear facing gable ends. The materials would present grey brick and white cladding, with grey/blue window casements and grey roof tiles. While the roof type would not directly relate to the character of the street scene, there is a clear attempt at reflecting the exterior materials present in the area. The proposed dwelling would also host a flat roof, short projection, at ground floor level to the front along the west flank continued as a covered storm porch above the front door and front facing kitchen window. These features are reflective of the area in regards to the above, resulting in the proposed building not representing an incongruous addition within the street scene.
- 10.12 In regards the scale of the dwelling, the height would, in accordance with the street scene drawing submitted, have a similar total height to the four storey dwellings on the west side of Burleigh Mead, approximately 10m. By virtue of the pitched roof, a large proportion of the dwelling in terms of its width is below this height. The property would be wider than the surrounding dwellings, and by virtue of its detached nature, would vary from the prevailing terraced property type. It is felt, in regards to the bulk and mass of the new dwelling, its detached nature as well as the variance in roof type would not cause significant harm to the character and context of the surrounding area. The dwelling, taken overall, within its context, would be a high quality of design which takes opportunities to reflect the area in terms of materials and elements of the design, while improving on the character of the area.
- 10.13 Paragraph 7.19 of the Welwyn Hatfield District Plan 2005, in the pre-ambule to policy D2, states that “*account should be taken of...the existing street layout and pattern and form of building, and use of space, the local materials, the scale, height and massing of the built form and boundary treatments...*”. In this light, the existing street layout, pattern and form of building is predominantly terraced. While the detached dwelling would not fall within the layout, form or existing pattern of the street, it would complete and close off the cul-de-sac in a way which would usually be expected. By virtue of the height, scale and massing of the built form in the local area, the site would accommodate the bulk of the dwelling without looking overly cramped within its site. This view is reinforced by virtue of the prevailing character of tall terraced buildings. By virtue of the prevailing character of the street scene of terraced dwellings, the wide detached property would not represent over-development of the plot. The context of the plot, located at the end of a cul-de-sac, would not set a precedent for development in adjoining rear gardens.

3. The impact of the proposal on the residential amenity of the adjoining properties (H4, D1 and Supplementary Design Guidance (SDG))

- 10.14 With regard to the impact on the amenity of adjoining neighbours, policy D1 and the SDG states that any building should not cause loss of light or appear unduly dominant from an adjoining property. The impact of the proposed development should be assessed in regard to loss of day/sun/sky light, whether it is overbearing and will impact on outlook from an adjoining property.
- 10.15 Neighbour representations have been received having regard to the impact of the proposed development on the amenity of the occupiers of adjoining premises in terms of loss of privacy, loss of light and unduly dominant form impacting outlook. The following discussion takes place in this context.
- 10.16 Shadows cast by built form are cast predominantly to the north, as well as west to east throughout the day. The building is sited and designed so shadows would be cast largely towards the rear extent of the rear gardens of properties in The Ryde. The design of the building with front and rear facing gable ends, present a pitched roof which will reduce the impact in regards to loss of light. The positioning of the site in close proximity of the south west boundary also goes some way to reduce the impact of the bulk of the proposed building on loss of light to adjoining premises. Given the importance of the pitched roof mitigating potential impact on adjoining occupiers in terms of loss of light, it is considered reasonable to remove permitted development rights for enlargements within the roof space in order to protect the amenity of the occupiers of adjoining premises from potentially obtrusive development.
- 10.17 In regards to loss of privacy, the internal layout of the building is such that all rear facing windows give light into bathrooms, storage spaces of stairwells at first and second floor level. Accordingly, all rear facing windows at first floor level can be fixed and obscure glazed without resulting in an oppressive environment for any future occupiers of the dwelling. The first floor side window proposed and roof lights are not the primary source of light for the rooms they serve, and as such the same principle applies. Accordingly, with an appropriately worded condition, the proposal would be acceptable in regards to loss of privacy to adjoining premises.
- 10.18 The character and context of the area, in relation to Bull Stag Green and Burleigh Mead consists of relatively high density residential built form. While the proposed development would present an additional dwelling in the area, the amount of additional built form would not result in additional harm in regards to unduly dominant form to justify a refusal on this basis alone.
- 10.19 Turning to the amenity space, the proposed dwelling would host private rear and side gardens, giving sufficient private amenity space for proposed building size and residential use. Whilst adequate amenity space is provided, it is considered reasonable to remove permitted development rights, in relation to extensions and outbuildings, which could result in further reduction in amenity space to the occupiers of the resultant dwelling. The plot would reduce the amount of private amenity space for the detached property known as The Rowans. Given the existing generous rear garden of The Rowans, the amount of remaining amenity space would be sufficient to serve the building's size and use.
- 10.20 In relation to the concern regarding disturbance to residents during the build, this consideration is acknowledged. The location of the site, at the end of a cul-de-sac with some on street parking, is considered to be a sensitive location where the potential impact of the construction could raise some issues during the build.

Accordingly, any potential approval should be conditioned to require the submission of a construction method statement to ensure the construction practices are well managed.

4. Highway and Parking (M14 and SPG)

- 10.21 Through consultation and negotiation, plans for parking have been agreed which would have a neutral impact on the safe use of the highway. Hertfordshire County Council as Highways Authority have been consulted, and had initial concerns regarding safe access and egress from the site, the impact of the access arrangements on the street column as well as servicing arrangements for refuse collection and site boundary and land ownership. Following the receipt of amended plans and additional information, these concerns have been resolved, and accordingly, Hertfordshire County Council as Highways Authority have raised no objection subject to the inclusion of conditions and informatives.
- 10.22 The provision of three on-site parking spaces is sufficient for the size and use of the proposed building using the Supplementary Parking Standards as guidance. The garage would be of sufficient dimensions to comply with the Interim Garage Size and Car Parking Policy 2014 to ensure its suitability for the purposes of vehicular storage.

5. Other Considerations

- 10.23 Neighbour representations have raised objections with regards the possibility of the building becoming a House of Multiple Occupation (HMO). The Article 4 direction covering Hatfield restricts the permitted development right to convert a dwelling within a residential use (C3 dwellinghouse) to a HMO (C4 small HMO). A condition can be included within any potential approval to ensure the dwelling is for C3 (dwellinghouse) use only. Representations have also expressed concern with regards the impact of the development upon the value of properties and the new dwelling contravening a statement within the housing deeds for the existing dwellings within the cul-de-sac. These are not material planning considerations.

Conditions

- 10.24 The National Planning Policy Guidance governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.

11 Conclusion

- 11.1 The development is considered to represent appropriate windfall development which would maintain the character and context of the area and be of reflective and respectful design which would relate well to the surrounding dwellings. The amenity of the occupiers of adjoining premises has been considered and the resultant impact from the development is considered to be acceptable when weighed against the benefits of the proposal. The highways authority have considered the impacts of the development upon the safe use of the highway, and upon negotiation have accepted the scheme as it is presented as having a neutral impact on highway safety, and sufficient parking relative to the size and use of the building would be accommodated on site. Accordingly, the proposed development complies with policies D1, D2, H1, H2, R1, GBSP2, M14 and SD1 of the Welwyn Hatfield District Plan 2005, the Supplementary Design Guidance Statement of Council Policy 2005, the Supplementary Planning Guidance on Parking Standards 2004 taken in conjunction with the Interim Garage Size and Car Parking Policy 2014 as well as relevant parts of the National Planning Policy Framework 2012.

12 Recommendation

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

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

2015_60_T01 Rev A & 2085 LP1 & 2085 P2 received and dated 09 December 2015 & 2085 P1 Rev E received and dated 14 April 2016 & 038/2016/01 Rev P2 received and dated 16 March 2016

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

PRIOR TO COMMENCEMENT

2. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (a) Provision of sufficient on-site parking of vehicles of site operatives and visitors prior to commencement of construction activities
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials used in constructing the development
 - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - (e) Siting and details of wheel washing facilities
 - (f) measures to control the emission of dust and dirt during construction

- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (h) traffic management requirements
- (i) Construction and storage compounds (including areas designated for car parking)
- (j) Cleaning of site entrances, site tracks and the adjacent public highway
- (k) Timing of construction activities to avoid school pick up/drop off times
- (l) Post construction restoration/reinstatement of the working areas and temporary access to the public highway

REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

3. No 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: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

PRIOR TO OCCUPATION

4. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (drawing number 2085 P1 Rev No E) in accordance with the Roads in Hertfordshire: Highway Design Guide 3rd Edition standards. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005

POST DEVELOPMENT COMMENCING

5. The development hereby permitted shall be used for Class C3 dwellinghouse only, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification).

REASON: The Article 4 Direction covering Hatfield removes permitted development right to move from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (Houses in Multiple Occupation) and to enable the Local Planning Authority to fully consider the

effects of development normally permitted to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity in accordance with the Houses in Multiple Occupation Supplementary Planning Document 2012 and Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A, B and E of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

7. The first and second floor windows (including roof lights) within the rear (north west), flank (north east) and flank (south west) elevations of the proposed building shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.8 metres above floor level, and shall be retained in that form thereafter.

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

POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

INFORMATIVES

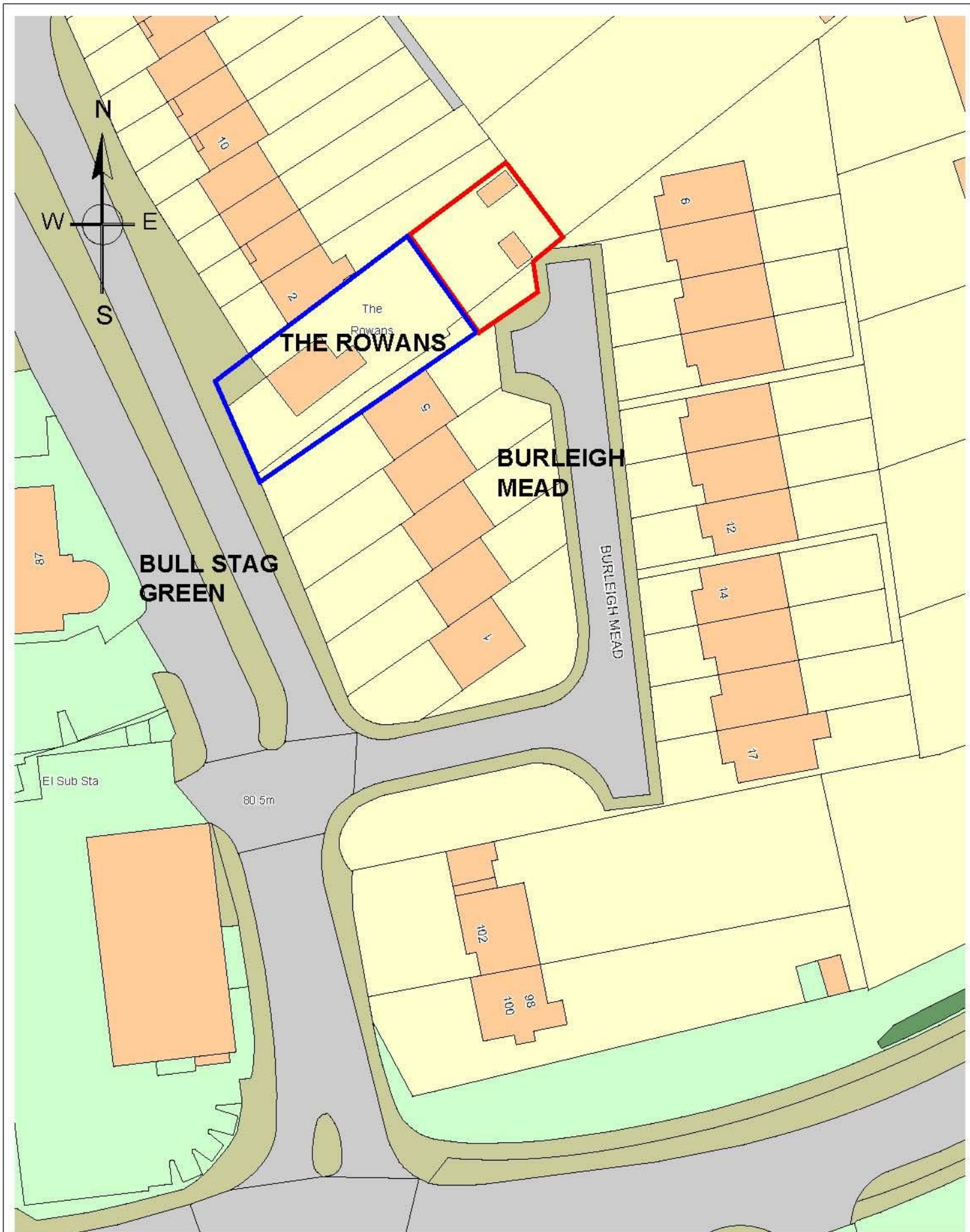
1. The development will involve the numbering of properties and naming new streets. The applicant **MUST** contact Welwyn Hatfield Borough Council, Transportation (Patrycja Kowalczyk 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
2. Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.
3. Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a


S278 Agreement with the HCC. The relocation of the lighting column, if necessary, will be included as part of the S278 agreement

Sam Dicocco (Strategy and Development)

Date 2nd June 2016

Expiry date 17th June 2016



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE</p>	Title: <p>The Rowans, Great North Road, Hatfield</p>		Scale: DNS
	Project: <p>DMC Meeting</p>	Drawing Number: <p>6/2015/2440/FULL</p>	Date: 2016
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