

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 21 JULY 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2016/0158/FULL

LAND TO THE REAR OF 29 TURPINS RIDE, WELWYN, AL6 0QU

ERECTION OF 1, FOUR BEDROOM DWELLINGHOUSE

APPLICANT: Mr D Lindley

(Welwyn East)

1. Site Description

- 1.1 The application site is located towards the south-western edge of the settlement of Oaklands and Mardley Heath, in the parish of Welwyn. The site comprises the rear part of the residential plot of No.29 Turpins Ride. No.29 is a single storey dwelling which benefits from a particularly large plot, which in total, measures approximately 0.17 hectares (1,700m²). The application site would measure approximately 650m² in area and would include most of the rear of the plot of No.29, apart from the north-east corner (which is understood to be handed over to form part of No.3 Turpins Chase).
- 1.2 The land at No.29 rises up towards the rear of the plot and so the application site is at a higher ground level than the existing 'host' dwelling. Like much of the surrounding area and the Oaklands settlement, the site is well enclosed by mature trees and vegetation along the side and rear boundaries. The rear boundary is bordered by a private access road which leads to the neighbouring property at No.3 Turpins Chase, located to the north-east of the application site.

2. The Proposal

- 2.1 This application seeks full planning permission for the erection of a four bedroom detached dwelling at land at the rear of No.29 Turpins Ride. The proposed dwelling would be one and a half storeys with the first floor accommodated within the roof structure, which would be complimented with two rear dormer windows and a series of rooflights to all four elevations. The proposed dwelling would be of an 'L' shaped footprint and would include a single integral garage within the forward projecting element of the house. The property would have the front elevation facing eastwards and so would address the existing private drive serving No.3 Turpins Chase. The dwelling would be accessed from the private drive and would be set back, with a relatively large front access drive. The proposed dwelling would therefore be back-to-back with the existing dwelling at No.29 Turpins Ride.

- 2.2 The proposed dwelling would comprise of a kitchen/ diner, WC lounge, study and utility room at ground floor and four bedrooms, two with en-suites and a family bathroom at first floor. The 'L' shaped footprint would have a maximum depth of 12 metres and a maximum width of 12m and would have a height of 2.6m to eaves level and a maximum height of approximately 6.85m to the roof ridge. The proposal would be of a brickwork finish and a tile roof.

3. Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Welwyn Parish Council has submitted an objection.

4. Relevant Planning History

- 4.1 6/2015/2025/FUL: Erection of detached three bedroom dwelling. Withdrawn 30/11/2015
- 4.2 N6/2015/1181/PA: Pre-application advice for the erection of a four bedroom detached dwelling and erection of a new detached triple garage at land rear of 29 Turpins Ride – Advice provided 19 August 2015. Whilst the advice provided considered that the principle of a dwelling in this location was acceptable, issues were raised with regard to the scale of the dwelling proposed at that time. Reductions to the scale of the proposal and reductions to glazing were also advised in order to reduce the impact on neighbouring plots. In addition, concerns were raised regarding a proposed triple garage and the cramped, overdevelopment that this would represent.
- 4.3 N6/2004/0093/FP: Demolition of existing bungalow and replace with two semi-detached dwellings. Withdrawn 02/03/2004.
- 4.4 N6/2003/1269/FP: Demolition of existing bungalow and replace with two semi detached chalet bungalows. Withdrawn 09/10/2003.
- 4.5 N6/2001/0010/FP: Two detached dwellings and garages at Land at 29, 31 and 31a Turpins Ride and rear of 3 Turpins Chase. Refused 26/03/2001.
- 4.6 N6/1999/1040/FP: Demolition, to provide two semi-detached chalet bungalows. (variation of condition 1 of planning permission N6/0549/94/FP). Approved 04/01/2000.
- 4.7 N6/1994/0549/FP: Demolition of existing bungalow and erection of a pair of semi detached chalet type dwellings. Initially refused 29/09/1994, subsequently allowed on appeal.
- 4.8 N6/1992/0173/FP: Erection of detached chalet bungalow at Land adjacent to 3 Turpins Chase. Refused 12/05/1992 and subsequently dismissed at appeal 18/11/1992.
- 4.9 N6/1991/0262/FP: Erection of two detached chalet bungalows at Land at 3 Turpins Chase and 29 Turpins Ride. Refused 4/07/1991 and subsequently dismissed at appeal 1/11/1991.

- 4.10 N6/1990/0140/OP: Site for 6 detached dwellinghouses and construction of new vehicular access at Land at 29, 31 and 31a Turpins Ride and rear of 3 Turpins Chase. Refused 27/04/1990 and dismissed at appeal.
- 4.11 N6/1989/1031/OP: Site for 8 detached dwellings and new vehicular access after demolition of existing dwellings at Land at 29, 31 and 31a Turpins Rise & 3 Turpins Chase. Refused 02/02/1990.
- 4.12 N6/1989/0560/OP: Site for eleven detached dwellings and new access road after demolition of existing dwellings at Land at 29, 31, 31A Turpins Ride & 3 Turpins Chase. Withdrawn 04/08/1989.

5. Planning Policy

- 5.1 National Planning Policy Framework (NPPF) March 2012
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Supplementary Design Guidance, February 2005
- 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 is located within the settlement of Oaklands and Mardley Heath, as designated in the Welwyn Hatfield District Plan 2005.

7. Representations Received

- 7.1 The application has been advertised by means of neighbour notification. A total of 13 objections have been received from the owners/ occupants of neighbouring properties, in relation to the originally submitted plans (amended plans are now considered). The objections raised are summarised as follows:
- This would represent an overdevelopment of the plot, not in keeping with the character of this rural, open area.
 - The proposed dwelling would result in the overlooking of neighbouring properties, both gardens and bedroom windows, particularly Nos. 1, 5, 7, 9 and 11 Turpins Chase and 27, 29 and 31 Turpins Ride.
 - The proposal would result in the loss of tree, vegetation and wildlife habitats.
 - There is already parking issues in this area and the proposal would exacerbate these problems.
 - There would be an increase of traffic along the private access drive which is too narrow and is not suitable and there would not be suitable access for emergency vehicles.
 - The local road network is not suitable or wide enough for construction and contractors vehicles.

- Disturbance to neighbouring properties during construction and when the new dwelling would be occupied.
- The proposed garden would be too small for a dwelling of this size.
- Development of this site has been refused on multiple previous occasions, including being dismissed by Inspectors at appeal.
- If approved, the development would set a precedent for other infill and back-land development in this area.

7.2 Amended plans were received 8 April 2016 and a further neighbour re-consultation took place. Two further letters of objection were received (from neighbouring properties which had previously commented) which acknowledged the reduction to the scale of the proposed dwelling, but which repeated much of the above objections.

8. Consultations Received

8.1 Welwyn Hatfield Borough Council Landscaping and Ecology, Hertfordshire County Council Transport, Programmes and Strategy and Hertfordshire Ecology raise no objections.

9. Town/Parish Council

9.1 Welwyn Parish Council objects to the application and their comments regarding the original proposal state:

“Welwyn Parish Council at its Planning & Licensing Committee of the 23 February 2016 agreed to submit Major Objection. There have been a number of applications on this site in the past which have previously been refused; we would refer in particular to N6/1992/0173/FP which was far smaller and which was rejected and more recently N6/2015/2025/FULL which was withdrawn. There are concerns about whether the property would be over dominant and the vehicular access in particular is extremely narrow and potentially involve the removal of a number of mature trees. This property which would represent an overdevelopment of the site. Again, no Tree Survey or Design and Access Statement has been provided with this application.”

9.2 With regard to the amended proposal they state:

“Welwyn Parish Council at its Planning & Licensing Committee of the 26 April 2016 agreed to submit Major Objection. As previously stated, there have been a number of applications on this site in the past which have previously been refused; we would refer in particular to N6/1992/0173/FP which was far smaller and which was rejected and more recently N6/2015/2025/FULL which was withdrawn. There are concerns about whether the property would be over dominant and the vehicular access in particular is extremely narrow and potentially involve the removal of a number of mature trees. This property which would represent an over development of the site. Again, no Tree Survey has been provided with this application.”

10. Analysis

- 10.1 The main planning issues to be considered in the determination of this application are:
- 1. The principle of the proposed development (District Plan Policies GBSP2, H2, R1 & NPPF (paragraphs 79-90));**
 - 2. The quality of the design and the impact on the character and appearance of the area (D1 & D2 & RA10 & NPPF);**
 - 3. The potential impact on the residential amenity of adjoining neighbours (D1, R19, SDG and NPPF);**
 - 4. Parking provision and highway safety (M14 and Supplementary Parking Guidance and Council's Interim Policy for Car Parking Standards and Garage Sizes)**
 - 5. Protection and Retention of Trees (D8, R17 and NPPF)**
 - 6. Other material considerations**
- 1. Principle of the proposed development in this location**
- 10.2 Policy R1 requires development to take place on previously used or developed land. Development will only be permitted on 'greenfield' land where it can be demonstrated that no suitable opportunities exist on previously used or developed land. This policy applies to all development proposals in the borough and does not simply relate to housing.
- 10.3 The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. Gardens are not classed as previously developed land, having lower priority for development, but that does not mean they cannot be built on in any circumstances. The Oaklands and Mardley Heath area is defined as an urban area for the purposes of the District Plan where Policy GBSP2 directs new development to. Although gardens are not a priority for development, the need to make efficient use of urban land remains a policy objective.
- 10.4 Policy H2 relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential 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.
- 10.5 The site is within an urban area complying with Policy GBSP2. Additionally, 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 Policies GBSP2 and H2 subject to an assessment of the scheme against policies governing residential development.

2. The quality of the design and the impact on the character and appearance of the area (D1, D2 & GBSP2 & NPPF)

- 10.6 The Government attaches great importance to the design of the built environment. The National Planning Policy Framework (NPPF) notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
- 10.7 Furthermore, Policy D1 requires the standard of design in all new development to be of a high quality and Policy D2 requires all new development to respect and relate to the character and context of the area in which it is proposed. It notes that development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area. Policy GBSP2 requires that 'within specified settlements development will be limited to that which is compatible with the maintenance and enhancement of their character'. The Welwyn Hatfield District Plan Supplementary Design Guidance (SDG) supplements the policies contained in the District Plan.
- 10.8 It is noted that this site has a relatively extensive planning history whereby several previous applications have sought permission for a new dwelling on this same site and which have been refused by the Council and which have been subsequently dismissed by the Planning Inspectorate. The most notable of these is planning reference N6/1992/0173/FP, for the 'Erection of detached chalet bungalow at land adjacent to 3 Turpins Chase' (the same land now proposed as rear of 29 Turpins Ride), which was refused by the Council in May 1992 and which was then also dismissed at appeal in November 1992. That previous application is very similar to that now proposed. One of the two reasons the previous application was refused and dismissed, related to the view that the proposal would have an adverse impact on the character of the site and surrounding area. The Inspector stated that "*although the size of the plot is comparable with others in the locality, in my opinion the dwelling would appear cramped on the site and represent a substantial intrusion in what at present is a largely open area....because of its size and siting on higher ground it would dominate the smaller dwellings in Turpins Ride*". The Inspector also raised concerns that the proposed dwelling would have led to the felling of trees, also resulting in harm to the 'semi-rural' character of the area.
- 10.9 The character of the area is derived from its immediate surroundings associated with the existing pattern of development of Turpins Ride and

Turpins Chase and other surrounding roads. The Oaklands area in general is considered to comprise of a green, open, spacious character with a variety of building designs. Properties are largely laid out in a loose knit form of linear residential development along road frontages, however, there are also examples of backland properties, which are set back from the road and behind the rows of dwellings. An example of this is No.3 Turpins Chase, which is immediately to the north of the application site, however there are also other examples of 'backland development' and infill development in the wider Oaklands area (such as 14 Firway and 13a Oaklands Rise). Densities and the spacing of properties in the Oaklands and Mardley Heath area also varies in different locations, with some areas of a higher density and more suburban in character and some areas benefitting from a lower, more spacious and green character.

10.9 No.29 Turpins Ride benefits from a particularly large plot and which is at least twice the size of most of the neighbouring properties in its immediate surrounding area. The plot has a depth of approximately 90m in total and the distance from the rear elevation of the existing dwelling to the rear boundary is approximately 62m. The plot widens towards the rear. The application site shown edged red on the location plan would represent approximately a half to a third of the plot of No.29, at the rear, eastern end of the plot. The application site would measure a maximum depth of approximately 38m and a maximum width of approximately 21m. Officers consider that the plot at No.29 is particularly large and is of a scale which could accommodate a second dwelling. The dwelling current proposed at land rear of No.29 would benefit from a plot of a suitable size, form and footprint and one which would be of a similar size to most properties in this area and potentially larger than some immediately to the east along Turpins Chase. The existing dwelling at No.29 would also retain a plot of a suitable size, again, of a similar size to those of surrounding properties.

10.10 The previous Inspector's decision, made in 1992 and nearly 24 years ago, considered that the scale of the dwelling was too large and would be cramped within its plot. That proposed dwelling was of a similar scale, form and layout to the dwelling now proposed. The proposed dwelling would be of an 'L' shaped footprint measuring a maximum of 12m with by 12m depth and would be of one and half storeys with the first floor accommodated within the roof, which would feature dormer windows and rooflights. The scale, design and form of the proposed dwelling would be similar to the chalet-style-bungalows (also one and half storeys) along the northern side of Turpins Chase, immediately to the east of the application site. The proposed dwelling would retain a gap of approximately 3m from the northern side boundary and approximately 5.8m to the southern side boundary. This is a greater degree of spacing than that seen at several existing properties in this area. As such, whilst it is acknowledged that it is rare for Officers to form a view contrary to an Inspectors appeal decision, Officers are of the view that the proposed dwelling would be of a suitable scale and which would be set within a plot of a suitable size, both of which would be similar to those in the surrounding area. The design and appearance of the dwelling itself would be in keeping with the surrounding area, which features a mix of designs and forms in any case.

The proposed dwelling would be of a typical chalet-bungalow design, featuring a large roof structure to accommodate the first floor. The general form and design of the property would be in keeping with several existing chalet style bungalows within the surrounding area, most notably a row of properties on the north side of Turpins Chase, immediately to the east of the application site. The forward and side projections of the proposal would be finished with hipped roof forms to reduce bulk and mass and the two dormer windows to the rear elevation would be of a suitable scale and form so as not to overly dominate the roof structure. Several rooflights are also proposed to other elevations to provide light to the first floor rooms. Again, these would be relatively small and in keeping with the simple, modest design of the proposed dwelling. As such, in light of these observations, officers do not raise any objections to the specific design of the proposed dwelling, as this would be in accordance with the mixed character and form of properties within the area.

- 10.11 It is acknowledged that the proposal would result in the loss of this open area, which was a concern raised by the Planning Inspector. However, this area forms part of a residential garden whereby the principle of residential development is acceptable. The plot at No.29 is considered to be much larger than nearly all of its surrounding plots and the proposed development would result in two plots more akin and of a more similar size to those at surrounding properties. The proposed plot would be set back from both Turpins Ride and from Turpins Chase and so the proposed dwelling would not be overly prominent within the surrounding area or from public views and so would have a reduced impact on the character of the area. The new dwelling would appear as backland development behind the main row of properties, however as mentioned previously, this is not necessarily contrary to the built form of the immediate or the wider surrounding area, as there are irregular patterns of built development and examples of backland development in the Oaklands and Mardley Heath settlement.
- 10.12 The plot would be surrounded by tall trees, which largely characterise this area and it is noted that other than the removal of a small number of trees to make way for the vehicle access, most of these existing trees would be retained. Again, this was an area of concern for the Planning Inspector on appeal relating to application N6/1992/0173/FP. However, given the distances of the proposed dwelling from the plot boundaries (where the trees and vegetation is located; the centre of the site is an open lawn area without any trees), the Council's Landscaping and Ecology Officer has not raised any objections to the proposal and is satisfied that these trees can indeed be retained. This could be ensured though the imposition of suitable conditions requiring both a full arboricultural survey/ report and a tree protection plan/ statement in the event of an approval. The site could also be further enhanced and the proposed dwelling could be assimilated into its surroundings with additional planting of trees and further landscaping (and to also mitigate the loss of trees at the proposed access).
- 10.12 No.29 and the immediate area has a density of approximately 10.6 dwellings per hectare (dph). The introduction of the proposed dwelling would increase this to approximately 11.25dph. This is not considered to be a materially

significant increase, would not be harmful to the character of the area and would not represent cramped overdevelopment in this sense.

- 10.13 Referring again to the scale of the proposed dwelling and its plot, in terms of the dwelling to plot ratio (i.e. the scale of the house compared to their plot size), the footprint of the dwelling would represent approximately 16% of the plot size. This is compared with No.1 Turpins Chase which is approximately 13%, No.5 Turpins Chase which is 15% of its plot, No.7 which is approximately 18% and No.31 Turpins Ride which is approximately 15%. Therefore the size of the house in comparison to its plot size is in keeping and similar to those in the immediate surrounding area and so would not appear contrary to the existing built form, in this regard.
- 10.14 Again, Officers acknowledge the previous Inspectors decision. However, it is noted that the previous appeal dismissal was nearly 24 years ago, under different planning policies, both nationally and locally and under a different political climate, particularly with regard to the current housing need. Of most prominence is the emergence of the NPPF and the 'presumption in favour of sustainable development'. The proposal would represent a new dwelling in a sustainable location. Furthermore, in line with the above comments and observations, Officers consider that the issues and concerns raised in 1992 would no longer stand up to inspection. In line with the NPPF, several applications and development have been approved in the Oaklands and Mardley Heath Area, namely three new detached dwellings at 7 Oaklands Rise, two new dwellings at 5 Oaklands Rise and three new terraced dwellings at 39 Turpins Chase. Although a further distance from the application site, two new dwellings were initially refused by the Council at No.6 Briary Wood End but which were allowed under the subsequent appeal in August 2015. Many of the concerns raised by the Inspector in 1992 regarding the site at No.29 Turpins Ride are similar to the main issues which were under consideration at No.6 Briary Wood End ('cramped backland development, out keeping with the existing pattern of built development/ built form and impact on neighbouring properties). In that instance the Inspector found that 2no. two storey detached dwellings in an existing garden were acceptable and that *"Overall the addition of the dwellings would not lead to a harmful change in the perception of the site within the area"*. Although this is a different site and a different location within Oaklands and Mardley Heath to the site now under consideration and each application is determined on its own merits, this is a much more recent appeal decision compared to that in 1992 and is one whereby similar issues and considerations were raised. It is felt that since the 1992 appeal decision, there have been a number of planning permissions and the above appeal decision, which are all material considerations in the determination of this application, which have altered the character of the area to an extent that allows the principle of backland development in this location.
- 10.15 Taking all of the above into account, including the scale of the proposed development in relation to its plot size, that both the dwelling and the plot are comparable to existing surrounding properties and that this backland development which would be in accordance with the pattern of built form in this area (as there are existing examples of older and recent backland

development), it is considered that on balance, the proposal would not result in significant harm to the character and appearance of the site or the surrounding area, so as to now warrant a reason for refusal. The proposal is therefore found to be acceptable in this regard and would not appear at odds with the prevailing character and appearance of the locality and so is in accordance with Policies GBSP2, D1 and D2 of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guide and the NPPF. Whilst this would be contrary to a previous Inspectors decision regarding a similar proposal in 1992, given the amount of time that has lapsed since this previous decision, the changes to planning policy and the emphasis of the NPPF towards 'a presumption in favour of sustainable development', combined with much more recent approvals of planning permission for 'backland development' within the Oaklands and Mardley Heath area and appeal decisions, only limited weight is afforded to the previous appeal decision and so it is reasonable for Officers to form a differing view.

- 10.16 Notwithstanding the above, Officers note that in terms of the scale of the dwellings, this is very much an on balance consideration, with the proposed dwelling at the maximum scale considered appropriate. In addition, the distances to neighbouring properties are also an 'on balance' consideration (discussed in depth in the following section of this report). As such, Officers consider it necessary and reasonable to include a condition on any potential approval removing permitted developments rights relating to Class A (extensions), Class B (roof extensions) and Class E (outbuildings), so that an assessment can be made on any further or future additions to the properties. Whilst the application states the dwelling would be brickwork, timber boarding, render and tile, this is relatively vague and so a condition would also be attached requiring that sample materials be provided to ensure that the new dwelling would be of a suitable finish, in keeping with its surrounding area.

3. The potential impact on the residential amenity of adjoining neighbours (D1, R19, SDG and NPPF).

- 10.17 Policies D1, R19 and the Supplementary Design Guidance aim to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.
- 10.18 With regard to the impact on the amenity of adjoining neighbours, Policy D1 and the SDG states that any extension should not cause loss of light or appear unduly dominant from an adjoining property and should not result in undue overlooking of a neighbouring property or result in a loss of privacy.
- 10.19 Referring again to the previous appeal decision from 1992, the second reason for refusal was with regard to the impact the increased use of the private drive would have on the amenity of No.5 Turpins Chase. The private drive, which currently only serves No.3 Turpins Chase, is *"in close proximity to the windows, rear patio and garden of No.5 Turpins Chase"*. The Inspector found that the proposal in 1992 (similar to that now proposed), *"would in my view*

give rise to a loss of privacy and an increase in noise and disturbance to the occupiers of that property” (No.5).

- 10.20 The proposed vehicular access to the new house would be along the existing driveway that serves No. 3, which is located to the north of the application site. That drive runs alongside the boundary of No. 5 where the sound of vehicles using the drive would be audible inside that house. It is considered that the use of the private drive by a second dwelling would increase the number of vehicle movements along the drive and subsequently would have a corresponding increase in noise of vehicles. However, the addition of one new dwelling would be unlikely to increase vehicle movements to the extent that noise disturbance would be so materially increased, over and above the existing situation, so as to warrant a reason for refusal. Private roads and drives in the Oaklands and Mardley Heath are common and dwellings are often within close proximity to these. A passing vehicle would likely be going at a slow speed and so noise levels would not be of a significant level. Furthermore, any noise created would only be brief, when a vehicle would pass the nearest point to No.5. Given the existing situation, again, Officers consider that under current planning policy and decision making, any harm caused would not be so significant, compared to the existing situation, so as to justify refusal of the application on its own. No objections are therefore raised with regard to Policies R19 and D1 in this regard.
- 10.21 A number of objections have been received from neighbouring properties, particularly with regard to potential overlooking and adverse impacts to properties on Turpins Chase and on Turpins Ride. Under the 1992 appeal the Inspector noted that *“the proposed development would not result in serious overlooking of the redeveloped 3 Turpins Chase...nor in my opinion would it lead to overlooking of the dwellings in Turpins Ride....however, due to the slope of the land and the design of the proposed dwelling, I am of the opinion that there would be some loss of privacy in the gardens of 27,29 and 31 Turpins Ride”*. The proposed dwelling would feature two dormer windows and three rooflights to the rear elevation, all but one rooflight (which would serve an en-suite) would serve bedrooms. These would only have direct views towards the existing ‘host’ dwelling at No.29 Turpins Ride and would only have obscure, angled views towards other neighbouring properties on Turpins Ride. Although due to the higher ground level these would be higher than first floor windows at properties on Turpins Ride, at their nearest point, these windows would be set approximately 35m from the rear of No.29, 21m from the rear of No.31 (at an obscure angle rather than direct view) and 43m from the rear of No.27 (again, at an obscure angle). Given these distances, Officers consider that the proposed dwelling would not be overbearing or oppressive to these neighbouring properties, despite the change in land levels. Views may be afforded of parts of neighbouring gardens, however the primary amenity space of neighbouring properties (those parts of the rear gardens directly to the rear of the dwellings, which tend to be most used) would be a significant distance from the proposed dwelling (similar distances to those stated above).

10.22 The dwelling now proposed would only include high-level rooflights to the side elevations which would be at least 1.7m above internal floor levels and so would not allow for views or overlooking of the plots at No.3 Turpins Chase or at No.31 Turpins Ride. The front elevation would include one rooflight which would serve a hallway and which would also be of height to not allow any views towards neighbouring properties, namely those on Turpins Chase to the east of the site. The front of the proposed dwelling would be set back within its plot and so in a direct line of sight to the east, the forward most part of the dwelling (which would not include any windows or openings) would be set approximately 18m from the end of the rear garden of No.5 Turpins Chase and the corner would be approximately 22m from the rear elevation of No.5 (when measuring in a south-easterly direction towards the neighbouring property). Furthermore, the application site and the nearest dwelling to the east, No.5, are separated by the private access drive to No.3 and so have two boundaries between them. The eastern boundary of the application site in particular features tall trees and vegetation and although some of this would be lost to make way for the access to the new dwelling, much of it could be retained or replanted to further separate and screen the proposed property from No.5 and other dwellings along Turpins Chase. As such, given the separation distance of the proposed dwelling from neighbouring properties on Turpins Chase, together with the separating boundary treatments/ features, it is considered that the proposal would not be overbearing on these properties or be unduly prominent when viewed from these properties. Furthermore, as discussed above, the proposed dwelling would be set in from its side boundaries and would be a significant distance from neighbouring dwellings on Turpins Ride and would also be some 28m from the dwelling at No.3 Turpins Chase, so as to again ensure the proposal would not be overbearing to these neighbouring properties

10.23 In light of all of the above observations, it is considered that the proposed development would, on balance, respect and sufficiently retain the residential amenity of all surrounding neighbouring properties and the proposed dwelling would benefit from sufficient amenity for future occupiers. The proposal is there in accordance with Policies D1 and R19 the Supplementary Design Guidance and the relevant paragraphs of the NPPF in this regard.

4. Parking provision and highway safety (M14 and Supplementary Parking Guidance and Council's Interim Policy for Car Parking Standards and Garage Sizes)

10.24 Paragraph 39 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. Saved policy M14 of the District Plan and the Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the Framework 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.

- 10.25 The proposed development would be served by an area of existing driveway to the front of the building which would provide enough space for at least 4 vehicles to park and to turn around within the site. The property would also include a single integral garage. Given the size of the property, which would be a four bedroom dwelling, it is considered that this is an acceptable provision of off-street parking.
- 10.29 Concerns and objections have been received from neighbouring properties regarding the suitability of the use of the existing private access drive and the narrow width of the driveway. Whilst the driveway is narrow (approximately 2.5m wide), no concerns have been raised by the Hertfordshire County Council Transport, Programmes and Strategy (HCCTPS) in this respect and so it is considered suitable for access by future residents and emergency vehicles. The access is suitable for and currently serves No.3 Turpins Chase and the proposal would only result in one other dwelling making use of this same access road.
- 10.30 It is noted that this part of Turpins Ride and Turpins Chase are both private highways and do not form part of the public highway. It is also considered that the additional traffic generated from the proposed development could be accommodated within the local highway network and so access and impact on highway safety is considered acceptable in this regard. The proposed dwelling would not likely to result in collisions. This view is supported by HCCTPS. A condition is to be attached in the event of permission being granted which would require the submission and agreement of a Construction Method Statement prior to the commencement of works. This would outline access for large vehicles and parking arrangements during construction works, to seek to reduce the impact on the immediate and local highway network. In addition, in order to reduce parking in the surrounding roads, a condition will require that all parking and turning areas as shown on the approved plans be formed and laid prior to the first occupation of the dwelling.
- 10.31 With the above observations in mind, no objections are raised with regard to parking and highway safety and so the proposal is in accordance with Policy M14 of the District Plan, the SPG Parking Standards and the Council's Interim Policy for Car Parking Standards and Garage Sizes.

5. Protection and Retention of Trees (D8, R17 and NPPF)

- 10.32 Policy R17 of the District Plan states that 'The Council will seek the protection and retention of existing trees, hedgerows and woodland by use of planning conditions... and tree preservation orders where applicable'. Policy D8 requires that 'all development should include landscaping as an integral part of the overall design...to reflect the strong tradition of urban landscape design in the district'.

10.33 The site does not include any trees which are protected by way of being within a Conservation Area or by any Tree Preservation Orders (TPOs) and so these trees are considered under Policy D1 of the District Plan. The trees that remain on the site are towards the boundaries of the site and most are shown to be retained as part of the proposed landscaping scheme. The Council's Landscaping and Ecology Officer has not raised any objections to the proposals, on the basis that an arboricultural survey and protection plan and a landscaping scheme are agreed prior to the commencement of the development, via suitable conditions. Subject to the various conditions as mentioned, no objections are raised with regard to trees and landscaping, in accordance with Policies R17, D8 and D1 of the District Plan and the NPPF.

6. Other material Considerations

10.34 Further concerns and objections have been made by neighbours regarding the impact on neighbouring properties during construction works (noise and disturbance etc). However, these matters can be controlled under other legislation relating to Environmental Health and so further planning conditions are not necessary in this instance. Furthermore, suitable construction practises can be required via a condition relating to the submission and agreement of a construction method statement.

10.35 Protected Species: A number of concerns have been raised by neighbours regarding the impact on local wildlife at this site. Hertfordshire Ecology has commented on the proposal and has not raised any objections, on the basis that there is not any record of ecological interest at this address.

10.36 Conditions: The National Planning Policy Guidance (NPPG) 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 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.

10.37 In this case, a scheme for detailed soft landscaping, submission of sample materials and development in accordance with approved plans are all necessary for the grant of permission and in accordance with the six tests. Additionally, conditions removing permitted development rights and requiring restrictions on windows have already been discussed in this report.

10.38 Further conditions are proposed to be included with the grant of any planning permission which would require the submission of a Construction Method Statement, so as to ensure that the construction process is carried out in a

suitable manner and to ensure impact and inconvenience to neighbouring properties is kept to a minimum. Furthermore, a condition is also proposed requiring that a plan be submitted and agreed showing the finished internal floor levels and the slab levels of the proposed dwelling in association with the surrounding land. This is reasonable given the sloping levels of the site and to clarify the heights of the proposed dwellings in relation to the surrounding neighbouring properties.

11. Conclusion

- 11.1 The impacts of the proposal have been considered on the visual amenity of the site and surrounding area and on the amenity of neighbouring dwellings. It has been concluded that the proposal would sufficiently maintain and relate to the character, appearance and spatial pattern of development of surrounding area and that on balance, it would not have any significantly adverse impacts on the residential amenity of neighbouring dwellings. As a result, the proposal is in accordance with Policies GBSP2, D1, D2 and R19 of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guide and with the National Planning Policy Framework.
- 11.2 The proposal has also been considered with regard to parking and highway safety and the protection and retention of trees and no objections are raised in regarding these matters. The proposal is therefore in accordance with Policies M14, D8, R17, the SPG Car Parking Standards and the Council's Interim Policy for Car Parking Standards and Garage Sizes and the relevant parts of the NPPF.

12. Recommendation

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

Conditions:

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

11896-P011-B received and dated 1 July 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 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.

3. No development 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) vehicle and pedestrian access and circulation areas
- (c) hard surfacing, other hard landscape features and materials
- (d) 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
- (e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- (f) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

4. 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) the parking of vehicles of site operatives and visitors
- (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) wheel washing facilities
- (f) measures to control the emission of dust and dirt during construction

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.

5. No development shall take place until cross-sections of the site and adjoining land, including details of existing levels around the building hereby permitted and any changes in level proposed, together with the proposed floor levels within the building, have been submitted to and approved by the Local Planning Authority in writing. The development shall not be carried out other than in accordance with the approved cross sections.

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

PRIOR TO OCCUPATION

6. The area set aside for car parking shall be laid out surfaced and marked out, in accordance drawing number 11896-P011-A before the buildings hereby permitted are first occupied and shall be retained permanently thereafter for the free parking of vehicles for residents/occupiers of the development permitted and shall not be used for any other purpose.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety in accordance with the National Planning Policy Framework.

POST DEVELOPMENT COMMENCING

7. 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, Class B, Class C and Class 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.

8. The first floor rooflights to the north and south side elevations and to the east front elevation shall have a lower eaves height of no less than 1.7 metres above the internal 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.

9. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 years from the completion of the development die,

are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

POSITIVE AND PROACTIVE STATEMENT

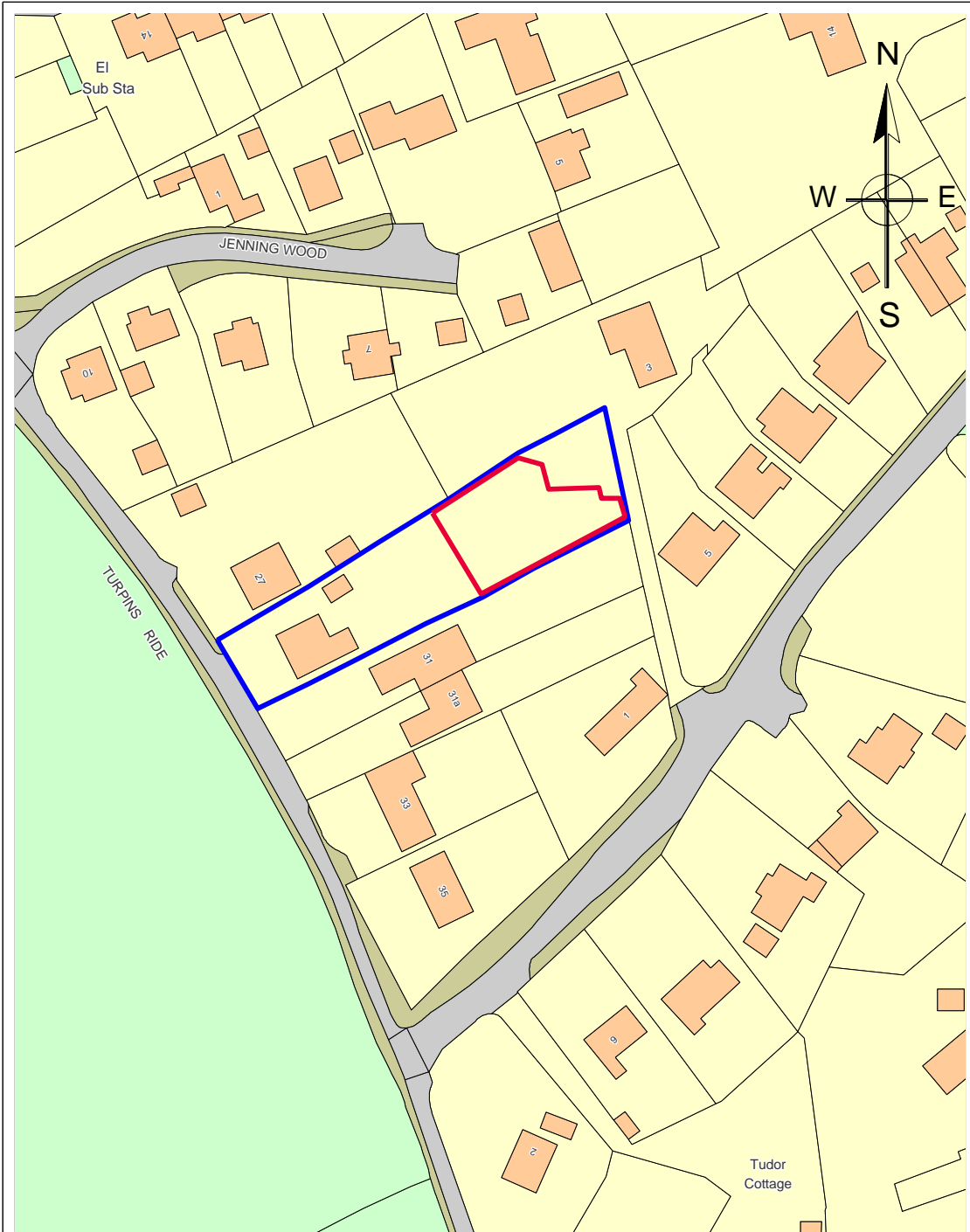
The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed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


Informatives:

1. 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 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.
3. 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.

Tom Allington, (Strategy and Development)
Date: 23/06/2016

Application Expiry Date: 12/04/2016 (extended until 22/07/2016)



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|---|--|---|-----------------------------------|
|  Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE | Title: Land rear of 29 Turpins Ride, Welwyn | | Scale: DNS |
| | Project: DMC Meeting | Drawing Number: 6/2016/0158/FULL | Date: 2016 |
| | | | Drawn: Andrew Windscheffel |
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