

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

6/2016/0683/FULL

LAND AT GREEN CLOSE, BROOKMANS PARK, HATFIELD, AL9 7ST

FORMATION OF TWO STOREY DWELLINGHOUSE WITH GARAGE AND ASSOCIATED LANDSCAPING FOLLOWING DEMOLITION OF EXISTING GREENHOUSE

APPLICANT: Mr. N. Twyman

(Brookmans Park & Little Heath)

1 Site Description

- 1.1 The site is almost 0.05 hectare located off Green Close, to the north, to the east of the railway line (East Coast railway) and west of dwellings on Peplins Way. Surrounding the site to the south are dwellings under construction formerly comprising 1-12 Green Close and further to the south on the other side of Green Close recently constructed dwellings. To the east, a concurrent application is proposed for 12 residential units.
- 1.2 The site itself is almost L-shaped and contains 4 garages, a workshop and former greenhouse. To the rear are a brook and two trees – ash and weeping willow. Beyond the rear boundary, trees and landscaping are within the rear gardens of dwellings on Peplins Way.
- 1.3 The greenhouse is surrounded on its western boundary by a wall approximately 3 metres in height and a 2 metre high close boarded fence, adjoining the new development to the east.
- 1.4 The surrounding area is residential in character although the scale and nature of development within Green Close has changed over recent years. Buildings are mainly 2-3 storeys with pitched roofs. The dominant material is brick, although the more recent development is a contemporary interpretation of the local vernacular.

2 The Proposal

- 2.1 The application seeks full planning permission for alterations to the existing garage block to create a single dwelling with garaging, together with the demolition of the existing greenhouse.
- 2.2 A first floor would be provided above the existing garages and would provide habitable accommodation for the dwelling – 2 bedrooms, bathroom and en-suite. A small entrance porch would be provided at the ‘junction’ of the L. The workshop and one of the garages would provide for kitchen, dining, living and garden room. The garden room would be provided with patio style doors which would lead out to the south facing garden.

- 2.3 Within the first floor five small dormers would be provided overlooking the entrance and to the rear two rooflights to the bathroom and en-suite. At ground floor to the rear, three windows would be provided to the kitchen and staircase.
- 2.4 Three garages would be retained, two of which would have the internal wall removed to provide for a double garage.
- 2.5 Materials would comprise facing brickwork and dark stained timber boarding with plain clay tiles to the pitched roof. Windows would be provided in grey uPVC.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because North Mymms Parish Council has objected to the proposal.

4 Relevant Planning History

- 4.1 No planning history applies to this site, but extensive history exists on the two adjoining sites and is listed below:

Appeals

- 4.2 Application Number: S6/2009/1260/MA Decision: Appeal Dismissed

Decision Date: 18 May 2010

Proposal: Erection of 14 Residential Units Comprising of 9x2 Bed and 5x3 Bed in Two/Three Storey Blocks Incorporating Undercroft Car Parking, Surface Car Parking and Landscaping

Planning

- 4.3 Application Number: 6/2016/0192/MAJ Decision: Under Consideration

Decision Date: Not yet determined

Proposal: Erection of 12 residential units comprising 3No. 1-bed and 9No. 2-bed flats with associated car parking, cycle store, refuse store and landscaping

- 4.4 Application Number: S6/2013/2231/MA Decision: Approval Subject to s106

Decision Date: 25 June 2014

Proposal: Demolition of the existing dwellings and redevelopment to provide 16 residential dwellings (comprising 8 x 3 bedroom and 8 x 4 bedroom houses) with associated car parking, access and landscaping

- 4.5 Application Number: S6/2013/0830/MA Decision: Approval Subject to s106

Decision Date: 30 July 2013

Proposal: Redevelopment to provide 12 new residential units comprising 8 x three bedroom houses, and 3 x two bedroom and 1 x one bedroom flats in two/three storey block, incorporating under-croft car parking and accommodation within roofscape, together with amenity terraces and balconies, works to alter

and extend adopted highway along with provision of surface car parking, landscaping and associated works

4.6 Application Number: S6/2011/2654/MA Decision: Refused

Decision Date: 26 April 2012

Proposal: Demolition of 12 Maisonettes and erection of 18 apartments with basement car parking; 6 town houses with integral garages; surface level car parking; amenity space; bin storage area and alteration to highway

4.7 Application Number: S6/2009/1260/MA Decision: Refused

Decision Date: 23 September 2009

Proposal: Erection of 14 Residential Units Comprising of 9x2 Bed And 5x3 Bed in Two/Three Storey Blocks Incorporating Undercroft Car Parking, Surface Car Parking and Landscaping

5 Planning Policy

5.1 National Planning Policy Framework

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 lies within the settlement of Brookmans Park as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

7.1 The application was advertised by means of neighbour notification letters and site notice. Two representations have been received from Peplins Way and Green Close. Their comments may be summarised as:

- Part of land falls outside of applicant's ownership (details not provided)
- Loss of privacy
- Loss of light
- Loss of value to property

8 Consultations Received

8.1 **Hertfordshire County Council Transport Programmes and Strategy - (HCCTPS)** - do not object subject to conditions.

9 Town / Parish Council Representations

9.1 North Mymms Parish Council has objected to the proposal for the following reason:

“North Mymms Parish Council would like to OBJECT as the site is unsuitable given the density of the development already in this area.”

10 Analysis

10.1 The main planning issues to be considered are:

- 1. The principle of the development (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 Supplementary Planning Guidance)**
- 5. Other Considerations**

1. The principle of the development

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 settlement of Brookmans Park 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.

- 10.6 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))

- 10.7 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.
- 10.8 The existing building is now somewhat out of context with the surrounding development following development of the triangular shaped piece of land to the south of Green Close which was originally granted on appeal. Since this time, approval has been given and development is currently underway for land formerly comprising maisonettes at 1-12 Green Close. The garages as part of this application were formerly constructed for those 12 maisonettes. Under consideration as part of this Committee agenda is land to the west of the application site for 12 dwellinghouses. Retaining garages in this location is therefore not in keeping with the character and their retention was not part of the considerations of either of the two developments built and under construction.
- 10.9 The design of the development is based upon the existing building which is a fairly typical style circa 1950's garage block. Its overall appearance would be enhanced with the provision of the first floor which would retain the existing facing brickwork of the garages, above which dark stained timber would provide the external cladding of the first floor, above which plain clay tiles would be used. This would be compatible with the development within the immediate locality which aims, somewhat, to provide a modern-day mews appearance. The choice of materials is considered to be appropriate for this rather unusual site.
- 10.10 The site itself is constrained by surrounding development and regard should also be given to the adjoining development currently under consideration and the implications of this development – be it approved or refused. The site is also unusual in its configuration. The design of the proposal has taken good opportunity of the surrounding constraints as well as the site's constraints to provide a relatively unique dwelling that would fit well within its context. A good quality of environment would be provided to future occupiers and the garden, being south facing although not of a conventional design (being relatively long and thin) would provide a relatively private environment, due to the existing boundary treatment and good aspect.

10.11 Overall the proposal is considered to be of a high standard of design and relate appropriately to the character of the area and would therefore comply with national and local plan policies.

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

10.12 Dwellings are currently being constructed on the adjoining land to the east and south. These are all significantly higher than that proposed and due to the relationship and positioning of windows in the dwelling as part of this application, there would be no loss of privacy or impacts in relation to loss of sun or daylight etc. to either of the developments. Those under consideration as part of application 6/2016/0192/MAJ (12 dwellings) are also sited a sufficient distance away and due to their orientation would neither overlook or be overlooked by this development.

10.13 Existing residential properties are to the rear. The back-to-back distance between the proposed dwelling and the existing is just over 31 metres. There is also relatively mature landscaping within the rear boundaries of properties to the rear. In terms of over-looking, the only windows being proposed facing the rear are rooflights to a bathroom and en-suite. As such there would not be any overlooking as these would both be obscured glazed.

10.14 In terms of being overbearing, due to the distances involved and regard to landscaping, the proposed first floor development would not be overbearing. It is acknowledged that the existing weeping willow to the rear will likely need to be felled as a result of the development. This is in part due to its relationship to the proposed first floor element, but mainly because the roots of this tree have been severely cut some time in the past as well as pruning which has resulted in the tree being unbalanced. Its long-term health has therefore been compromised.

10.15 Overlooking, to a degree, may occur should dormer windows be inserted within the rear roof. It is therefore appropriate to attach a condition removing permitted development right for additions to the roof under Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

10.16 It is therefore concluded that the proposal will comply with Policy D1 of the District Plan and will retain the amenity currently enjoyed by existing as well as for future occupiers.

4. Highway and Parking (M14 and SPG)

10.17 The proposal would provide 3 garage spaces within the existing garages which would not be converted, other than the removal of one of the internal walls, as a result of the development. The number of garage exceeds the Council's parking standards of 1.5 spaces for a 2-bed property. Evidence from the site visit details that large vehicles are able to be accommodated within the garages thus meeting the aim of the Council's Interim standard for garage sizes which requires garages to be large enough to accommodate vehicles.

10.18 Hertfordshire County Council (Transportation Programmes and Strategy) (HCCTPS) have been consulted. They observe that the scale and nature of

Green Close has changed over the recent years following various developments being approved.

- 10.19 At present Green Close provides access to 29 dwellings (some under construction). Green Close is a cul de sac served from Station Road. Green Close is public highway, is unclassified and designated as a local access road. Station road is a local distributor and is a classified un-numbered (C) road.
- 10.20 Formerly Green Close was inadequate in terms of width to enable two-way vehicle flow. The junction of Green Close with Station Road was also insufficient to enable two-way flow, nor access by refuse vehicle and visibility from the access constrained. Such deficiencies have been dealt with through the recent planning permissions on neighbouring sites. The approved scheme reference S6/2013/0830/MA provided for widening of Green Close to accommodate two way traffic including. The approved scheme reference S6/2013/2231/MA provided a shared surface route of 6m for the length of Green Close fronting units numbered 1 to 8, and then a minimum width of 5.1m on approach to the 6m access road providing access to units 10-16. Access to the site is across land which the applicant has confirmed they have right of access across in order to access the garages.
- 10.21 Works associated with the junction widening and radii/visibility have been completed to the satisfaction of the Highway Authority which include:
- Widening of the carriageway at the junction with Green Close and around the first bend to 4.8m to allow two way traffic.
 - Provision of 6m kerb radii at the junction.
 - Provision of 2.4m x 45m visibility splays along Station Road.
 - Provision of a new turning head at the western end of Green Close
- 10.22 Works in respect of providing shared surface route along Green Close have not yet been approved and no S278 signed in respect of such works. If permission for 6/2016/0192/MAJ is granted, Green Close would provide access for 41 dwellings. Works to the highway have already been undertaken as a result of these previous approvals and include:
- 10.23 The proposal, resulting in the creation of one additional dwelling is unlikely to have a greater vehicle trip rate than the use of the garages and thus HCCTPS raise no objection in this regard. They do, however, note that details of servicing for refuse vehicles has not been provided and request certainty, via a condition, that a vehicle is able to both access the site and leave in forward gear as well as details of provision of refuse bins location.
- 10.24 Their original comment also requested a condition in relation to road width and provision of parking bays in respect to the other developments. However, upon reflection HCCTPS have commented that the use of the garages would already have impact in terms of number of vehicular movements and the proposal would be unlikely to change thus. Therefore, such a condition would be unreasonable and would not meet the tests set out in Planning Practice Guidance.
- 10.25 The bins' location is already shown on the submitted plan (10). The access road immediately to the front of the garages provides sufficient space for the turning of

large vehicles including refuse vehicles and therefore this is considered adequate. As for the concurrent application under consideration, it is recommended, to ensure that the access road is built to a technical specification that can be reasonably expected to withstand usage by a normal refuse collection vehicle usage, that a condition requiring construction details of the road sufficient to demonstrate compliance with the standards normally required for highway adoption is attached. This would need to be Grampian style due to this part of the highway being outside of the application site. Grampian conditions should only be used where there is prospect of the action requested being undertaken.

5. Other Considerations

- 10.26 A representation states that the land is not solely within the applicant's ownership. Ownership is not a planning consideration and so permission may be granted – or refused. It is for the developer to ensure that all necessary permissions are obtained before development. Notwithstanding this, an informative is recommended is attached to any approval to advise of this.
- 10.27 In addition, concern has been raised that the development might result in the loss of value to the objector's property. Property value is also not a material planning consideration and cannot be considered.

Conditions

- 10.28 Planning Practice 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 proposal is considered to meet local and national planning policies in respect to the layout, design and relationship of the development to the character of the area. Amenity currently enjoyed by existing residents, as well as that of proposed residents would be retained. Appropriate levels of parking provision are to be provided. Overall the proposal is considered to be acceptable

12. Recommendation

- 12.1 It is recommended that planning 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:

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

2. The external decorations of the development hereby approved must comply with the information submitted within the application form with the stained timber boarding being dark brown or black. Any brickwork and mortar shall match the existing building in relation to colour and texture.

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. The garages shall be retained for the parking of private motor vehicles relating to this development and for no other purpose.

REASON: To ensure that appropriate levels of parking are provided for the development in order to maintain highway safety and the free flow of traffic in accordance with the National Planning Policy Framework.

4. The area shown for the provision of bins shall be provided and retained permanently upon first occupation of the development hereby approved.

REASON: To ensure that there is adequate refuse and recycling provision in accordance with policy R5 of the Welwyn Hatfield District Plan 2005.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development within Class B 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.

6. Prior to the occupation of the development, construction details of the road area required for use by refuse collection vehicles shall be submitted to the Local Planning Authority for approval in writing. These details shall show compliance with the construction standards required for highway adoption.

REASON: To ensure that the new access road is built to a technical specification that can be reasonably expected to withstand the normal refuse collection vehicle usage in accordance with the National Planning Policy Framework.

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).

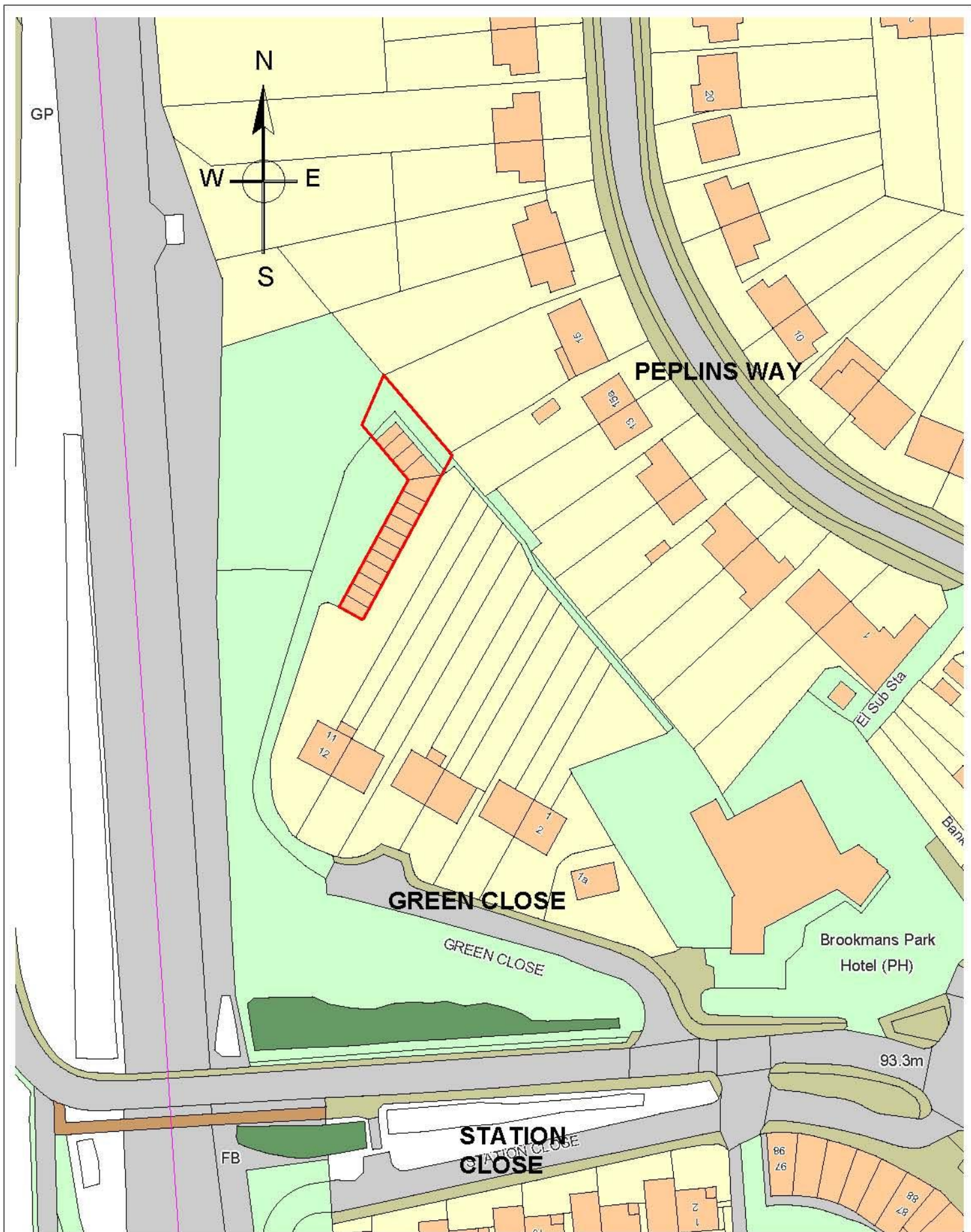
Informatives:

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 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.
3. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
4. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to willfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Lisa Hughes, (Strategy and Development)

Date 1 July 2016

Expiry Date 22 July 2016



Council Offices, The Campus,
Welwyn Garden City, Herts. AL8 6AE

Title:

Land at Green Close, Brookmans Park

Project:

DMC Meeting

Drawing Number:

6/2016/0683/FULL

Scale: DNS

Date: 2016

Drawn: Baras Mast-Ingle