

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 10 NOVEMBER 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2016/1468/OUTLINE

85 HARDINGS, WELWYN GARDEN CITY, AL7 2HA

OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 1 DWELLINGHOUSE,
DRIVEWAY AND ACCESS WITH APPROVAL SOUGHT FOR ACCESS AND LAYOUT
WITH ALL OTHER MATTERS RESERVED

APPLICANT: Mrs L Banham

(Haldens)

1 Site Description

- 1.1 The application site is a large plot on the north east side of Hardings in Welwyn Garden City. The site currently comprises a detached dwelling house and large garden. The proposal seeks the sub-division of the plot and the erection of a single dwelling.
- 1.2 The street scene is dominated by two storey detached/link detached dwellings. Due to the phasing of construction along Hardings it should be noted that there is uniformity as blocks of dwellings have been constructed which are identical in design and form with few/limited alterations. However there is variety in terms of style, design and materials between these blocks. Nevertheless properties are well spaced and set back from the highway with soft landscaping present particularly hedgerows along the front boundaries.

2 The Proposal

- 2.1 Outline planning permission is sought for the erection of one dwelling house, driveway and access with approval sought for access and layout with all other matters reserved.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Councillor Spinks has called the application to committee because of local objections to the scheme.

4 Relevant Planning History

- 4.1 None

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 Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005.

8 Representations Received

- 8.1 The application was advertised by means of site and neighbour notification letters. Two representations have been received from properties in Hardings. Additionally a letter has been received which has been signed by 56 residents. Their comments may be summarised as:

- House would be built almost to the existing hedge and the whole length plus extra of my property - windows will overlook lounge and main bedroom. Proposal will deprive me of privacy and light
- Construction noise and disturbance to residents
- Construction traffic and blocking access to Hardings Sheltered Housing Scheme
- According to deeds, there is a trunk water main dividing the plot. Additionally a surface water outfall sewer is proposed through the length of the site making of the submissions of the intended plot width.
- Ill conceived piece meal proposal poorly relates to the existing design, mass, form and layout of the original adjoining development at the junction of Hardings/Long Ley. It would detract from the pleasant open character at present.
- Layout clearly indicates that any dwelling would be cramped and unrelated to the current well spaced and open character of the original group of houses.
- Space at first floor levels between existing houses is approximately 3m.
- Lack of plot width any proposed design for a new dwelling is unlikely to match or respect the original group of houses in scale, mass, design.

9 Consultations Received

- 9.1 No comments received from Affinity Water
- 9.2 **Welwyn Hatfield Borough Council Client Service** - No issues, the property would be incorporated into the existing ARRC scheme and provided with 3 bins.
- 9.3 **Hertfordshire County Council Rights of Way** – No objection subject to conditions

9.4 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** - no objection subject to advisory notes.

10 **Analysis**

10.1 The main planning issues to be considered are:

1. **Whether the proposed development is acceptable in principle (Local Plan Policies GBSP2, SD1, R1, R19, H1, H2 & the Framework)**
2. **Impact on living conditions of neighbouring occupiers (D1 & D2 & Supplementary Design Guidance)**
3. **Access (D2)**
4. **Other Material Considerations**
 - (i) **Parking**
 - (ii) **Landscaping**
 - (iii) **Other comments**

1. **Whether the proposed Development is acceptable in principle**

10.2 The application seeks outline planning permission for a single dwelling with the access from Hardings and with the layout of the site as shown on the submitted plans. The dwellings appearance, scale and site landscaping are to be dealt with at the Reserved Matters stage and would be subject to a separate submission.

10.3 The application site is located within the town of Welwyn Garden City and currently forms part of the garden serving 85 Hardings. The plot would be 9m wide by 35m deep leaving the existing house alongside it with a plot 10.8m wide and 35m deep.

10.4 The National Planning Policy Framework (the Framework) strongly encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development and Local planning authorities are encouraged to ensure the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. Whilst gardens are not classed as previously developed land that does not mean they cannot be built on in any circumstances and the need to make efficient use of urban land remains a key policy objective.

10.5 The surrounding area is residential in character and whilst the street scene is relatively uniform with similar style properties seen on Hardings there is variety in terms of materials used. Additionally a newer development can be seen immediately east of the application site which consists of bungalows and flats. There is therefore also some variety in architectural style in the area and this should allow for some flexibility in the design of the proposed development.

10.6 The Council's adopted SDG states that existing layouts of buildings, streets and spaces should be taken into account to ensure that buildings relate to one another and spaces complement each other. Furthermore, this guidance states that developments should respond to building forms and

patterns of existing building in the detailed layout and design to reinforce a sense of place.

- 10.7 Objections from local residents have been received stating that the development is out of character with the area and would poorly relate to the original adjoining development in terms of mass, form and layout. Additionally the proposal would detract from the pleasant open space and would result in a cramped form of development.
- 10.8 The submitted plan however shows the new plot would be of very similar dimensions to others in the street that the house will be positioned a very similar distance from the street with front and rear gardens of very similar depth. Parking will be to the front like others in the street. If permitted any future reserved matters application must include details of the building's design, appearance, scale, materials and landscaping all of which would need to respect the character of the site and the surrounding area. The LPA will therefore have full control over these details if outline planning permission is granted. It will be possible to ensure that any future proposal maintains an appropriate scale and massing which respects the design and character of buildings within the vicinity of the site and maintains appropriate spacing between buildings.
- 10.9 In this instance, the location of the development would be highly accessible for local amenities and public transport. In addition the provision of one additional dwelling to the Borough's housing stock would reduce pressure, albeit to a very limited degree. In relation to the economy, the proposed development would make a small contribution in the short term through the provision of employment and the sale of materials associated with the construction of the dwelling. Whilst the development would result in the loss of existing garden land to a new residential dwelling, it is considered that, on balance, the proposed development is in favour of all three dimensions of sustainable development. The principle of residential development in this location would therefore be acceptable.

2. Impact on living conditions of neighbouring occupiers

- 10.10 Policies D1 and the Supplementary Design Guidance (2005) (SDG) aim to preserve neighbouring amenity. The SDG sets out the Council's guidelines with regard to residential development for the provision of adequate amenity for future occupants and the protection of neighbouring residential amenity. Guidance in Paragraph 17 of the NPPF similarly seeks high quality design and good standards of amenity for all existing and future occupiers of land and buildings.
- 10.11 The neighbours most likely to be impacted are the occupants of No.85 Hardings and those occupiers in the bungalows sited east of the application site particularly No's 87, 89 & 91 Hardings. To the rear of this deep site are school playing fields.
- 10.12 The proposed dwelling has been sited centrally within the proposed plot and as such a 2m separation distance would be seen between No.85 and the new dwelling. A separation distance of approximately 1m would be seen to the east side boundary fence, and this increases due to the widening of the plot towards the rear. However there is approximately 6.8m from the side of

the proposed dwelling and the rear boundary of No. 87 Hardings, with a pedestrian footpath to the east separating the plots. Concerns have been raised from neighbouring occupiers, regarding the impact that the new dwelling would have in terms of loss of light to lounge and bedroom windows however the distance between the east side of the proposed house and the west (rear windows of the neighbouring homes) will be 14metres (depth of gardens and width of footpath combined). This distance and position of the proposed plot to the west of the neighbouring homes means any impact in terms of loss of light is unlikely to result in a detrimental impact sufficient to justify a refusal of the application.

10.13 As the appearance of the dwelling is a reserved matter, no elevations have been provided and therefore there is no information regarding fenestration however any windows in the eastern side elevations could be controlled by conditions to require any first floor window be obscure glazed to avoid direct overlooking towards the bungalows to the east. All details of appearance, including window position and sizes would be considered in detail at reserved matters stage.

10.14 Given the siting of the proposal it is considered to comply with the Council's Policies and guidance with regard to impacts upon the living conditions of neighbouring occupiers it is not considered there are grounds to refuse the application on this basis.

3. Access

10.15 Access is considered as part of this outline application, a new vehicular access would be created from Hardings. No alterations are proposed to the existing vehicular access to No. 85 Hardings. Hertfordshire County Council have been consulted on the proposal and have not raised an objection on the basis that the access would be at the east end of the street where the road effectively becomes a cul-de-sac and the proposal is not considered likely to result in a material increase or a material change in the character of traffic in the vicinity of the site. On this basis it is considered that the proposed development would not adversely prejudice the safety and free flow of highway users.

10.16 Concerns have been raised by residents regarding the construction traffic that would arise from the development. Whilst some disturbance may arise it is for the applicant to ensure that materials are stored on site and that any vehicles be parked appropriately, should they not then normal regards enforcement would apply. This would be a matter for Hertfordshire County Council Highways and the Police Service to enforce.

4. Other Material Planning Considerations

(i) Parking:

10.17 In terms of the level of parking required in new developments, 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 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.

- 10.18 For 3-bedroom dwellings in this location, the SPG indicates a provision of 3 spaces each.
- 10.19 There is annotation on the submitted Plan which indicates that 2 spaces would be provided. Whilst this is less than the 3 spaces, a reduced level of parking is considered acceptable given the small scale of development proposed and the sustainable location of the site, within walking distance of a range of shops and services and with good access to public transport. The site is considered to be of sufficient size to accommodate appropriate provision for parking, therefore, there is no objection in this regard subject to approval of details at the reserved matters stage.

(ii) Landscaping

- 10.20 Landscaping is a reserved matter and therefore full details of this shall be required to be submitted. However it is considered reasonable to ensure that suitable landscaping is retained in order for the development to reflect the existing character of the area. Therefore it is considered reasonable to impose a condition requiring the hedgerow to the front and side boundary of the site to be retained and included on any landscaping details to be submitted.

(iii) Other comments

- 10.21 Additional comments raised by neighbours included concerns over a trunk main water main and a surface water outfall sewer. This is not a material consideration relevant to the planning application but will be controlled by other forms of consent such as the Building Regulations. It is on for the applicant to ensure that they have the correct consent from any other authorities required to enable the development.

Conditions

- 10.22 Planning Practice Guidance Policy 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 principle of the proposed dwelling is acceptable and in line with Policies SD1, R1, H1 and H2 and is considered to represent sustainable development in accordance with the Framework. For the reasons discussed above, it is considered that the subdivision of the plot and the erection of an appropriately designed new dwelling could be achieved without harming the character of the area or the amenity of neighbouring occupiers and without adversely impacting on the highway. If permitted future reserved matters applications will be required wherein the LPA will have full control over design, appearance and scale and landscaping to ensure it be in keeping with the character and appearance of the surrounding area and is respectful of impacts on the residential amenity of neighbouring occupiers (for example by loss of privacy, loss of light or overbearing impact).

12 Recommendation

- 12.1 It is recommended that planning permission be granted 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:

AT599-01 received 20th July 2016 & AT599-02 received 17th October 2016

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

2. Details of the appearance, scale and landscaping, (hereinafter called, the reserved matters) must be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 92 of the Town and Country Planning Act (As amended).

4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

REASON: In order to comply with Section 92 of the Town and Country Planning Act (As amended).

5. The area set aside for car parking shall be laid out surfaced and marked out, in accordance with a scheme which has been submitted to and agreed in writing by the Local Planning Authority before the dwelling hereby permitted is first occupied and shall be retained permanently thereafter for the free

parking of vehicles for residents/occupiers of the development and shall not be used for any other purpose.

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

6. Landscaping details required by condition 2 above shall include both hard and soft landscape works which shall include:-
 - a) planting plans, including specifications of species, sizes, planting centres, number and percentage mix for the front garden area;
 - b) Details showing the retention of the existing hedge to the front and side boundaries;
 - c) Means of tree and hedgerow protection to be installed prior to the commencement of and for the duration of works on site;
 - d) means of enclosure and boundary treatments;
 - e) existing and proposed finished levels and finished floor levels of the dwelling;
 - f) details for all hard surfacing

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 D1, D2, D8 and R11 of the Welwyn Hatfield District Plan 2005.

7. All agreed landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of five 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

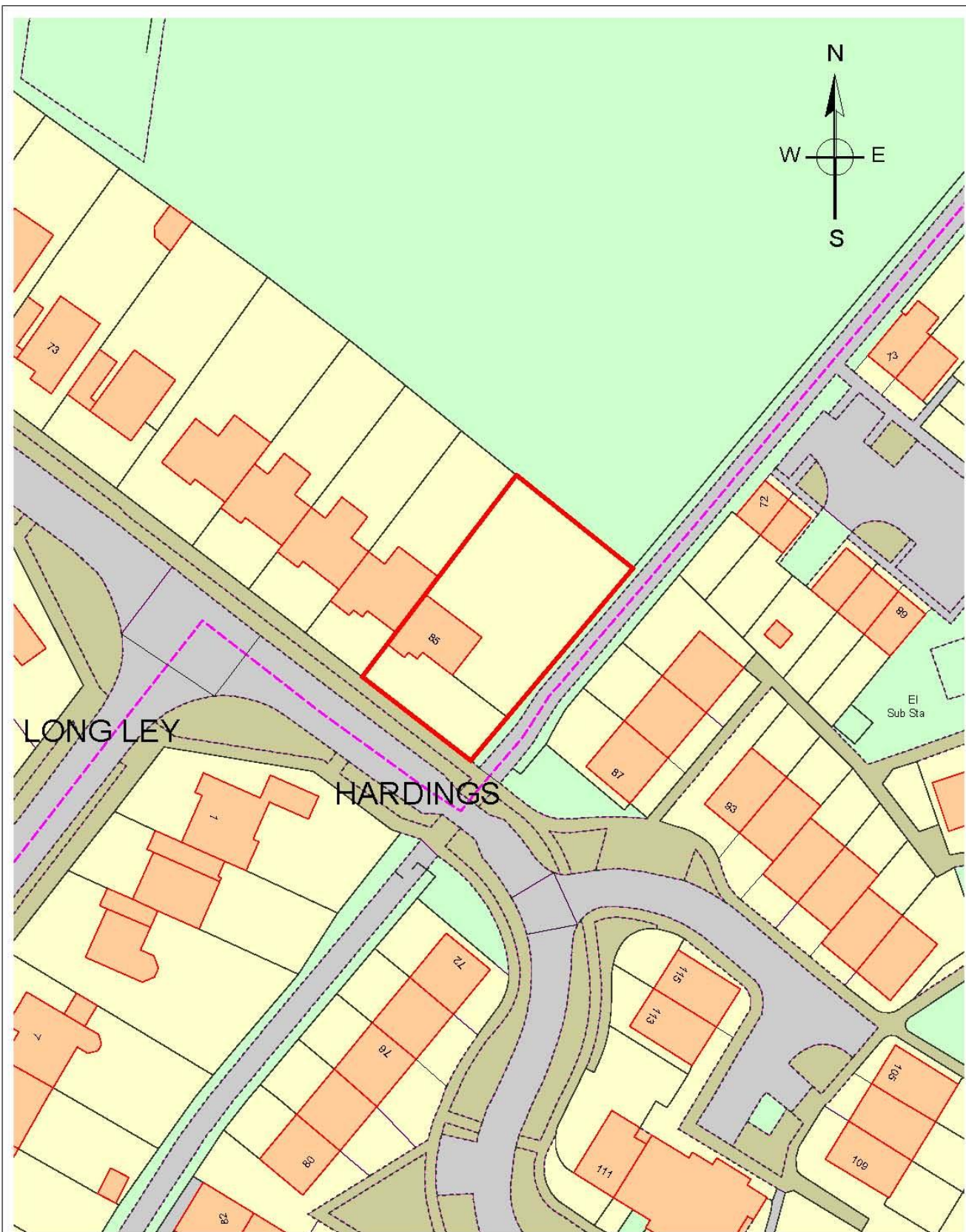
The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed 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 development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Lorraine Davis 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. Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular 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. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
4. The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.
5. 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.



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE</p>	Title: 85 Hardings Welwyn Garden City		Scale: DNS
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