

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 02 FEBRUARY 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

6/2016/2441/FULL

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

ERECTION OF A TWO STOREY DETACHED DWELLING IN REAR GARDEN OF THE ROWANS

APPLICANT: Mr & Mrs Karpel

(Hatfield East)

1 Site Description

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

2 The Proposal

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

2.2 The new dwelling would host a hipped roof with side facing gable ends. The new dwelling would host a wide and shallow footprint, measuring approximately 6.9m in depth and 9.8m in width. The siting of the dwelling on the divided plot is such that it would sit nearer to the boundary shared with The Rowans than the boundary shared with No.13 the Ryde, but is broadly sited centrally within the plot. The site would retain space to the front for car parking and would host private rear and side gardens.

2.3 The key changes from the earlier refused scheme (6/2015/2440/FULL) are as follows:

- The dwelling has been reduced in width, depth and height.
- The dwelling would be positioned more centrally within the plot.
- The dwelling has altered the roof form to have gabled side elevations as opposed to front and rear.
- The proposal no longer involves the erection of a detached garage.

3 Reason for Committee Consideration

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

4 Relevant Planning History

- 4.1 6/2015/2440/FULL - Erection of 3 bedroom detached dwelling to rear garden of The Rowans.

Refused 17/06/2016. The reasons for refusal were:-

1. The proposal would result in a cramped form of development that fails to maintain or enhance the character of the area contrary to the National Planning Policy Framework 2012 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

2. The proposal, by virtue of its scale, massing and siting would result in a poor spacing relationship between the proposed dwelling, The Rowans, 5 Burleigh Mead and 2 Bull Stag Green resulting in a detrimental impact on the living conditions currently enjoyed by those occupiers contrary to the National Planning Policy Framework 2012 and Policy D1 of the Welwyn Hatfield District Plan 2005.

- 4.2 S6/2001/1498/FP - Erection of a two storey side extension.

Approved 07/01/2002.

- 4.3 S6/1997/0066/FP - Erection of two storey side extension.

Approved 11/03/1997.

- 4.4 S6/1996/0171/LU - Use of existing property as single dwelling house (application for Certificate of Lawfulness).

Approved 02/04/1996

- 4.5 S6/1977/0331/EU - Established use certificate as a betting office.

Approved 08/09/1977

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2012

- 5.2 Welwyn Hatfield District Plan 2005

- 5.3 Supplementary Design Guidance, February 2005 (Statement of Council Policy)

- 5.4 Supplementary Planning Guidance, Parking Standards, January 2004

- 5.5 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

6 Site Designation

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

7 Representations Received

7.1 The application was advertised by means of neighbour notification. 9 objections have been received from residents of The Ryde and Burleigh Mead which may be summarised as:

- Parking and traffic issues will be exacerbated;
- Previous application for access from Burleigh Mead to the site has been refused;
- One of the proposed parking spaces is at right angles with an existing driveway at 5 Burleigh Mead causing a blind spot;
- Orientation of the building presents a 7.5m high, 10m wide plain roof and wall overlooking the gardens of No.2 and no.4 Bull Stag Green;
- Impact on amenity (overlooking, noise, privacy, unduly dominant and overbearing);
- Loss of green space;
- Size of the building too big for the plot (cramped and overdeveloped);
- Possibility of becoming a House in Multiple Occupation (HMO);
- Out of keeping with the spacious street scene and open aspect of the end of the cul-de-sac;
- The land is not Previously Developed Land or Brownfield and represents garden-grabbing;
- Disturbance during the build;
- There are two parking spaces, not four, and the train station is 500-600m away, not 300m as stated;
- The new dwelling would contravene the statement in the house deeds that this is a 16 house cul de sac.

8 Consultations Received

8.1 The following have responded advising that they have no objections to the proposal: **Thames Water (TW)** and **Welwyn Hatfield Borough Council Client Services Department**.

8.2 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** - No objection subject to conditions.

9 Town / Parish Council Representations

9.1 Hatfield Town Council objected as follows –

“Dwellings should not be placed in this back garden due to the impact on neighbouring properties and the precedent it sets in the 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 (D1 and Supplementary Design Guidance (SDG))**
4. **Highway and Parking (M14 and SPG)**
5. **Other Considerations**

1. The principle of the development

- 10.2 Neighbour representations received make reference to the National Planning Policy Framework 2012 (NPPF) in relation to previously developed land, garden-grabbing and the acceptability of the site for residential use with reference to the proximity to amenities. A discussion in this light follows.
- 10.3 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.
- 10.4 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.*
- 10.5 Whilst the Council have a 5 year housing supply. It is considered that the windfall residential development proposed could make a small but valuable contribution to housing land supply.
- 10.6 The application site lies within the settlement of Hatfield as designated within Policy 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 policies having regard to design, parking, and means of access as well as amenity of the occupiers of adjoining premises. Residential rear gardens, in accordance with the glossary of the National Planning Policy Framework, are not defined as 'previously developed land'.

- 10.7 Paragraph 53 of the National Planning Policy Framework states that "*Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would harm the local area*". This statement follows paragraph 48 of the NPPF which has regard to windfall sites "*Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens*". It is clear that within the NPPF there is some resistance to windfall sites being comprised of residential garden space. However that does not imply that all rear garden development is automatically viewed as being inappropriate. In this regard it is considered that Local Plan Policies H2, D1 and D2 can sufficiently assess whether any harm will arise as a result of the proposal.
- 10.8 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 and relates to the character and context of the area

- 10.9 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.
- 10.10 Objections have been received in regards to overdevelopment of the plot, the built form being out of keeping with the street scene and setting an unwelcome precedent for development in rear gardens. A discussion of these matters follows.
- 10.11 The street scene in which the new dwelling would sit is Burleigh Mead. Burleigh Mead hosts four storey town houses along the west side of the street, and three storey terraced dwellings on the east side of the street. The character of the two sets of terraced buildings are consistent, with white cladding, dark grey brick, front facing garages, fenestration detailing and storm porches/first floor overhangs above the front doors along the west side. The roofs accommodate the upper floor of dwellings on both sides of Burleigh Mead with unusual double lean-to roofs with front facing walls below the highest ridge presenting windows.
- 10.12 The proposed dwelling would host a pitched roof with side facing gable ends. The materials suggested in the application form would present grey brick, with white aluminium framed windows and roof tiles of a similar match to those used on properties on Burleigh Mead. There is a clear attempt at reflecting the exterior

materials present in the area, as well as the roof with a shallow pitched roof rising away from Burleigh Mead. The proposed dwelling would also host a flat roof storm porch above the front door as well as a small flat roof storm cover for a small bay hosting patio doors in the north east facing (side) elevation. These features are reflective of the area in regards to the above, resulting in the proposed building not representing an incongruous addition within the street scene in terms of design.

- 10.13 In regards to the scale of the dwelling, and whilst only two storey in form, the height would be similar to the three storey dwellings on the east side of Burleigh Mead at approximately 8m. The property would be wider than the surrounding dwellings, and by virtue of its detached nature, would vary from the prevailing terraced property type. However, in regards to the bulk and mass of the new dwelling, as well as its detached nature it would not cause significant harm to the character and context of the surrounding area. The dwelling, taken overall, within its context, would be of a high quality design which takes opportunities to reflect the area in terms of materials and design.
- 10.14 Paragraph 7.19 of the Welwyn Hatfield District Plan 2005, in the pre-ambule to policy D2, states that “*account should be taken of...the existing street layout and pattern and form of building, and use of space, the local materials, the scale, height and massing of the built form and boundary treatments...*”. In this light, the existing street layout, pattern and form of building is predominantly terraced. While the detached dwelling would not strictly fall within the layout, form or existing pattern of the street, it would nevertheless, complete and close off the cul-de-sac in a manner which would usually be expected by creating a street facing development at the northern end of the cul-de-sac.
- 10.15 By virtue of the height, scale and massing of the built form in the local area, the site would accommodate the bulk of the dwelling without having a poor relationship to other properties (reason 2 for refusal 6/2015/2440/FULL). This view is reinforced by virtue of the prevailing character of tall terraced buildings. By virtue of the prevailing character of the street scene of terraced dwellings, the detached property would not represent over-development of the plot or a cramped form of development (reason 1 for refusal 6/2015/2440/FULL). The context of the plot, located at the end of a cul-de-sac, would not set a precedent for development in adjoining rear gardens.

3. The impact of the proposal on the residential amenity of the adjoining properties

- 10.16 With regard to the impact on the amenity of adjoining neighbours, Policy D1 and the SDG states that any building should not cause loss of light or appear unduly dominant from an adjoining property. The impact of the proposed development should be assessed in regard to loss of day/sun/sky light, whether it is overbearing and will impact on the outlook from an adjoining property.
- 10.17 Neighbour representations have been received having regard to the impact of the proposed development on the living conditions of the occupiers of adjoining premises in terms of loss of privacy and being unduly dominant. The following discussion takes place in this context.

- 10.18 The positioning of the new dwelling is such that it would be separated from habitable rooms of adjoining premises by approximately 17m from The Rowans, 12m from No.2 Bull Stag Green, 17m from No.6 Burleigh Mead, 11m from No.5 Burleigh Mead and a significant distance from No.13 The Ryde. These measurements have been taken from the nearest point of the main bulk of the proposed dwelling.
- 10.19 Shadows cast by the proposed dwelling would be cast predominantly to the north, as well as west to east throughout the day. The proposed building will be sited and designed so that shadows would be cast largely towards the rear extent of the rear gardens of properties in The Ryde. The design of the building, with a pitched roof design, would reduce the impact in regards to loss of light. The positioning of the building nearer to the south west boundary than the north east boundary also goes some way to reduce the impact of the bulk of the proposed building on loss of light to adjoining premises and concerns in terms of relationship to other properties. The pitched roof would mitigate the potential impact of the building on adjoining occupiers in terms of loss of light. It is considered that a condition removing permitted development rights for enlargements within the roof space would reasonably serve to protect the living conditions of the occupiers of adjoining premises from potentially obtrusive development.
- 10.20 In regards to loss of privacy, the internal layout of the proposed building is such there is no requirement for any rear facing window at first floor level. The first floor side windows proposed are not the primary source of light for the rooms they serve, or give light into a study or bathroom. By virtue of the potential for loss of privacy to the rear gardens of No.13 The Ryde and The Rowans, it is considered that an appropriately worded condition to ensure the windows at first floor level on both side elevations are obscure glazed and non-opening unless 1.7m above the ground level of the room which they serve would both meet the tests of conditions laid out in paragraph 206 of the NPPF and make the proposed development acceptable in regards to loss of privacy.
- 10.21 The character and context of the area, in relation to Bull Stag Green and Burleigh Mead consists of relatively high density residential built form. While the proposed development would present an additional dwelling in the area, the amount of additional built form would not result in additional harm in regards to introducing a dominant form of building that would justify a refusal.
- 10.22 Turning to the amenity space, the proposed dwelling would host private rear and side gardens; giving sufficient private amenity space for the proposed building size and its residential use. Whilst adequate amenity space is proposed in this development, it is considered reasonable to remove permitted development rights, to prevent extensions and outbuildings being erected without further consideration by the Local Planning Authority. Whilst the proposal would reduce the amount of private amenity space for the detached property known as 'The Rowans', given the existing generous rear garden of the aforementioned property it is considered that the amount of remaining amenity space would be sufficient to serve the building's size and use.
- 10.23 In relation to the concern regarding disturbance to residents during the build, this consideration is acknowledged. The location of the site, at the end of a cul-de-sac with limited on street parking, is considered to be sensitive in terms of

highway safety where the potential impact of the construction could raise some issues during the build. The issue of parking has also been acknowledged in the Highways Authority response, and a condition has been recommended to provide details of on-site parking for construction workers. This condition should be added to any potential approval of the application in the interest of highway safety. Notwithstanding this, the Local Planning Authority do not have the power to enforce against parking on a public highway.

- 10.24 A concern has also been raised in neighbour representations in regards to a general increase in noise, although it is not clear whether these concerns refer to traffic or the residential use. Notwithstanding, it is considered that the addition of a single dwelling in a high density residential area would not result in an increase in noise commensurate to warrant a refusal on this ground of concern.

4. Highway and Parking (M14 and SPG)

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

5. Other Considerations

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

Conditions

- 10.28 The National Planning Policy Guidance governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions

should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.

11 Conclusion

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

12 Recommendation

- 12.1 It is recommended that planning permission be granted subject to the following conditions:
1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A, B and E of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.
 2. The development hereby permitted shall be used for Class C3 dwellinghouse only, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification).

REASON: The Article 4 Direction covering Hatfield removes permitted development right to move from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (Houses in Multiple Occupation) and to enable the Local Planning Authority to fully consider the effects of development normally permitted to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity in accordance with the Houses in Multiple Occupation

Supplementary Planning Document 2012 and Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3. The first floor windows within the north east flank and south west flank elevations of the proposed building shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.7 metres above the internal floor level of the room in which the window is installed, 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.

PRIOR TO COMMENCEMENT

4. 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.

5. Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

REASON: To ensure satisfactory protection of highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

PRIOR TO OCCUPATION

6. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (drawing number 2085 PA10 Rev No A) in accordance with the Roads in Hertfordshire: Highway Design Guide 3rd Edition standards. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
2015_60_T01	A	Topographical Survey	18 November 2016
2085 PA10	A	Proposed Plans & Elevations	18 November 2016
2085 LP1		Location/Block Plans	18 November 2016

POSITIVE AND PROACTIVE STATEMENT

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

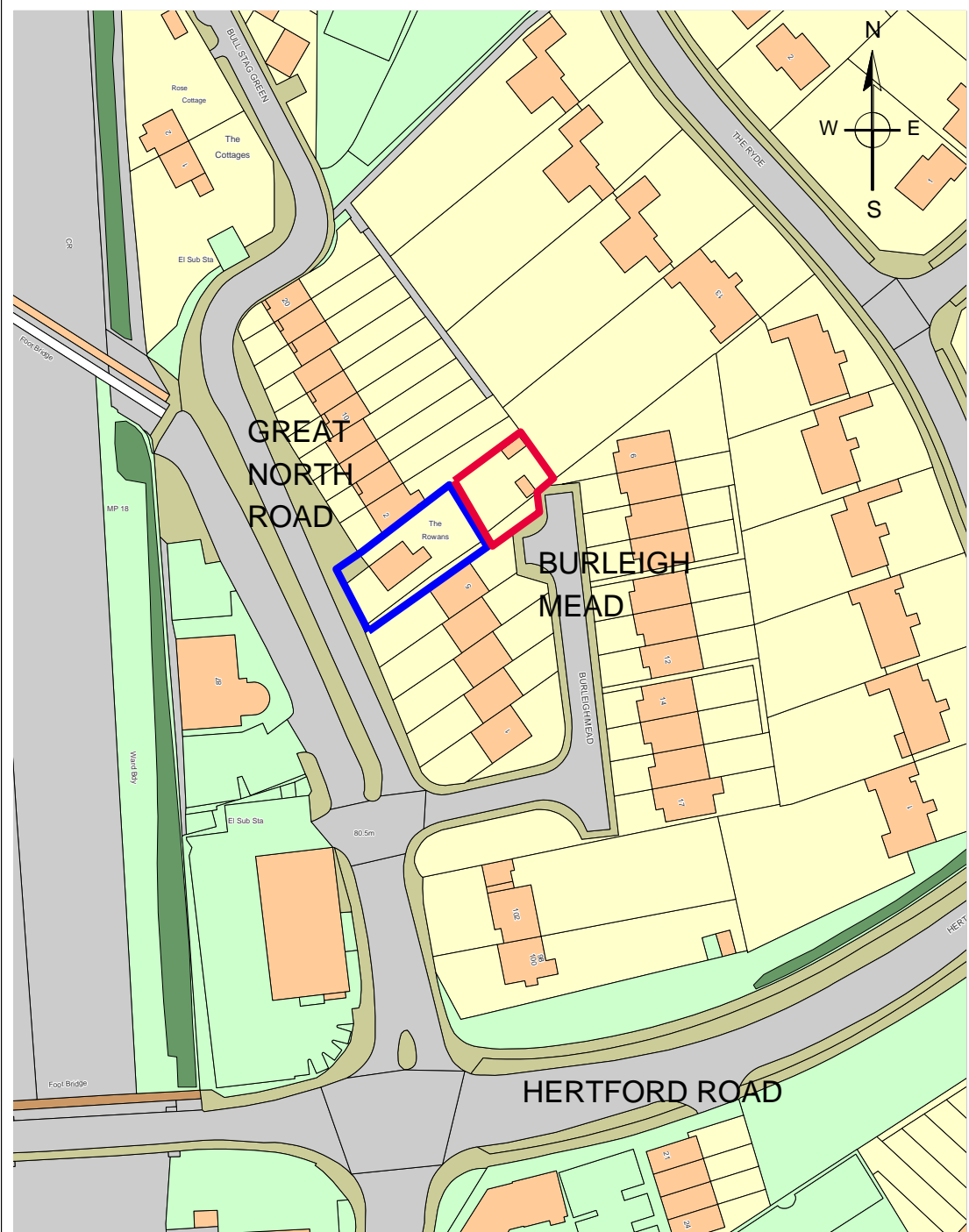
INFORMATIVES

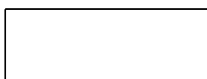
1. The development will involve the numbering of properties and naming new streets. The applicant **MUST** contact Welwyn Hatfield Borough Council, Transportation (Patrycja Kowalczyk 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
2. Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, SG13 8DN. Their telephone number is 0300 1234047.
3. Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a S278 Agreement with the HCC. The relocation of the lighting column, if necessary, will be included as part of the S278 agreement

Sam Dicocco (Public Protection, Planning and Governance)

Date 10th January 2017

Expiry date 13th January 2017



 <p>Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE</p>	Title: The Rowans Great North Road Hatfield	Scale: DNS
	Project: DMC Meeting	Date: 2017
Drawing Number: 6/2016/2241/FULL		Drawn: Andrew Windscheffel
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