

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 25 MAY 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND
GOVERNANCE)

6/2016/1980/FULL

LAND REAR OF 26 GREAT NORTH ROAD, WELWYN

ERECTION OF A TWO STOREY DETACHED DWELLING

APPLICANT: Mr & Mrs Stedham

AGENT: Mr Jeremy Newcombe

(Welwyn West)

1 Site Description

- 1.1 26 Great North Road lies northwest of the town centre of Welwyn Garden City in the village settlement of Oaklands and Mardley Heath. The site comprises of a semi-detached house set within a good sized plot (approximately 974sqm) orientated to Great North Road, and is setback approximately 22m from the highway. The topography of the site slopes from the rear to the front (northwest to southeast) towards the highway and contains mature vegetation to the rear and front of the site. Immediately to the rear of the site is Oaklea a residential street.

2 The Proposal

- 2.1 The application seeks full planning permission for the sub-division of the site and the erection of a 3 bedroom two-storey dwelling to the rear of No. 26 Great North Road, with associated parking. The dwelling is to be sited to the rear of the existing semi-detached dwelling and be orientated to Oaklea.
- 2.2 The proposed dwelling would be L-shaped with uncovered car parking space to the north-western corner of the site and rear decking. The ground floor of the proposed dwelling is to be approximately 62.1m² and the first floor approximately 65.4m² equating to a total floor area of 127.5sq.m and a footprint of approximately 76m². Whilst the previously refused scheme involved the removal of an existing greenhouse, and approximately 4 mature trees and associated shrubbery, these have since been removed and the application site cleared with some shrubbery retained along the boundaries. Vehicle and pedestrian access is to be gained from Oaklea. The existing dwelling and proposed dwelling will be divided by a 2.4m high (fence) wall allowing approximately 197m² of private garden area for the proposed dwelling and the remainder (approximately 253m²) to be associated with No. 26 Great North Road.
- 2.3 The new dwelling would host a pitched roof with side facing hipped and gable ends. The new L-shaped dwelling would host a wide and shallow footprint, with

street level appearance measuring approximately 5.35m in depth and 9.25m in width. The siting of the dwelling on the divided plot is such that it would sit nearer to the boundary shared with 24 Great North Road than the boundary shared with 1A Oaklea, but is broadly sited centrally within the plot. The site would retain space to side for car parking and would host private rear and side gardens.

2.4 The key changes from the earlier refused scheme (N6/2008/2175/FP) are as follows:

- The dwelling has been reduced in width, depth and height;
- The dwelling has been reduced in scale bulk and mass;
- The site area has increased in size;
- The dwelling would be positioned more centrally within the plot to avoid encroachment on the front building line to Oaklea and neighbouring property;
- The dwelling has altered the roof form to have gabled and hipped side elevations with a single-storey appearance in the streetscene as opposed to two-storey front;
- The proposal no longer involves an integral garage.

2.5 The following table further illustrates the differences between the currently application and the previously refused scheme of 2009.

	Current Scheme (Apprx.)	Previous Scheme (Apprx.)	Difference (+ or -)	Percentage (+ or -)
Site Area	454m ²	300m ²	+154m ²	+33
Footprint	86m ²	128m ²	-42m ²	-32
Floor Area (Grnd & 1st Flr)	128m ²	185m ²	-57 m ²	-31
Overall Height	7.3m	8.3m	-1m	-12.5
Garden Space	182m ²	163m ²	+19m ²	+11
Number of Rooms	3	4	-1	-25
Density (Dwelling per Hectare)	22	33	-11	-33

3 Reason for Committee Consideration

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

4 Relevant Planning History

- 4.1 N6/2008/2175/FP - Erection of a 4 bedroom detached dwelling with associated access and off-street parking to rear of 26 Great North Road ns.

Refused 08/01/2009. The reasons for refusal were:-

1. The proposal would result in overdevelopment of the site to the detriment of the character and appearance of the area by virtue of its bulk, form, and positioning. The development would fail to respond to the form, layout and pattern of spacing between buildings and therefore is contrary to policies D1, D2 and D3 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

2. The proposal would result in an unacceptable level of overlooking of the occupants within the adjacent buildings. The slope of the land and the height of the proposed dwelling in relation to the adjoining properties, would result in an unacceptable level of overlooking, which would cause an adverse loss of privacy. The development would therefore be contrary to policy D1 of the Welwyn Hatfield District Plan 2005 and Supplementary Planning Design Guidance 2005 (Statement of Council Policy).

3. The proposed development proposes vehicle access in an area currently used as a vehicle layby area for users of Oaklea and Oaklea Wood. Insufficient evidence has been provided demonstrating that the vehicle access to the development will not disturb or effect the layby area and traffic movements along the road. The proposal therefore fails to demonstrate compliance with policy D5 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

- 4.2 6/2015/2408/FULL – Erection of two storey dwellinghouse - Withdrawn
- 4.3 N6/2009/1277/FP – Installation of new bay window, new steps and porch to side entrance Decision: Granted Date: 26/08/2009
- 4.4 N6/2009/0549/LU – Certificate of lawfulness for the erection of bay windows and Juliet balcony on frontage of property, replacement and alteration to existing fenestration on property and erection of single storey side extension with staircase and raised platform. Decision: Refused Date: 22/05/2009
- 4.5 N6/2008/2175/FP – Erection of a four bedroom detached dwelling with associated access and off-street parking Decision: Refused Date: 08/01/2009
- 4.6 N6/2008/1205/FP – Erection of 2 storey detached dwelling with associated access and parking – Withdrawn

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 Oaklands and Mardley Heath as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

- 7.1 The application have been advertised by neighbour notification letters and 17 representations from 13 local residents including a petition with 37 signatures have been received. The issues raised are similar to those of previous applications. A summary of the matters of objection raised by surrounding property owners are below and shall be discussed within the body of this report.

Matters of objection:

- a) I remain extremely opposed to this development which will affect my quality of life and value of my property.
- b) As the slope is steep on the property, the proposal will invade my privacy
- c) It would be dangerous to put an entrance to a property on the bend of the road and there are a number of young children living in this road.
- d) The parking is and continues to be a real problem as when immediate adjoining properties have visitors we are forced to use the layby as overflow parking and it was my understanding that this was created for that use as well as being an important area for cars to pass.
- e) We feel that the light and outlook from our property would be very much affected by the erection of a 2 storey property.
- f) The erection of the property would be effect our sunlight and our view.
- g) I wish to express my objection to the application for the reasons sited under my previous objection under N6/2008/2408/FULL. The removal of overgrowing Laurel any changes will result in direct overlooking of my property.
- h) Concerned about density and overdevelopment of the site.
- i) The comparative levels of the rooms on the proposal to the ground levels to the rear property means that they will directly overlook into the rear windows and gardens of No. 24, 26 and No. 28 Great North Road.
- j) The proposed development would be overbearing on neighbouring properties.
- k) The approval would set an undesirable precedent to development in the area.
- l) The applicant should serve notice to the owners of the right of way of Oaklea
- m) The removal of the trees and vegetation would have a detrimental impact on both the environment and aesthetics of the area.
- n) The proposal would increase flooding in the area and would impact on the existing drainage system.

8 Consultations Received

8.1 Hertfordshire County Council Transport Programmes and Strategy

(HCCTPS) – Whilst this proposal for the site of 26 Great North Road is new and there are changes to the proposal, the Highway response remains as previous. Oaklea Wood – from Oaklea to end is private road, not maintained at public expense. The proposed dwelling will be accessed from Oaklea Wood which is a private road. The additional dwelling is unlikely to have a material impact on the surrounding highway in terms of capacity. Hertfordshire County Council as a Highway Authority does not wish to restrict the grant of permission subject to conditions. Parking and highways matters are amplified further below in the report.

8.2 Welwyn Hatfield Borough Council – Landscape Department – No comments have been received at the time of writing this report. However, the previous application was not refused on landscaping grounds. Whilst landscaping details are included in the submitted plans, conditions requiring the submission and approval of landscaping scheme including management by the Local Planning Authority prior to construction works have been recommended to ensure adequate landscaping of the site.

9 Town / Parish Council Representations

9.1 Welwyn Parish Council objected as follows –

“We believe that this is over development of the site and is on a very dangerous bend on a very narrow road. There is very little amenity space around the house in particular the narrow strip of land at the front is going to cramp the street scene.”

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, 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, D3, 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 Since the refusal of the previous application, there have been changes to both local and national planning policies. Whilst the Council Policies have not changed substantially, national policies have changed by way of National Planning Policy Framework.

- 10.3 Policy 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 existing site is already in residential use and seeks to sub-divide the plot creating two separate dwellings. Policy H2 applies (Location of Windfall Residential Development) and requires that applications regarding windfall sites will be assessed against a set of 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 application site is situated within the existing settlement of Welwyn as outlined in the Welwyn Hatfield District Plan 2005. This site has previously been developed and currently comprises a semi-detached, two storey dwelling and garage. 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. Furthermore, there are no known physical or environmental constraints at this site.
- 10.6 There are also services and facilities available within reasonable walking distance of the site. The principle of residential development is therefore acceptable against the criteria set out in Policies H2 and SD1 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 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.
- 10.11 Objections have been received in regards to overdevelopment of the plot, the built form being out of keeping with the streetscene and setting an unwelcome precedent for development in rear gardens. A discussion of these matters follows.
- 10.12 The streetscene in which the new dwelling would sit is Oaklea. This area of Oaklea hosts two storey detached houses with detached garages along the south side of the street, and detached bungalows and detached houses on the north side of the street. Although the character of the sides vary, the buildings are consistent, with white cladding, Tudor style gable, red / yellow bricks, detached / integral garages, fenestration detailing and storm porches. The roofs are mainly pitched with hipped and gable ends.
- 10.13 The proposed dwelling would be sited to the rear of the site with access gained from Oaklea a road running to the rear of the application site and properties fronting Great North Road. It was noted from a site visit that some of the neighbouring properties not including the host site benefit from vehicular access to garages and additional parking areas. Properties fronting Great North Road benefit from generous rear garden areas. It is considered that the host dwelling has a slightly larger rear garden area due to its location on a corner providing additional space, although it is acknowledged that the application site includes land that is currently a grassed verge visible on Oaklea. As such it is considered that this site benefits from additional space unlike other neighbouring plots.
- 10.14 The proposed dwelling would be centred in the plot following the bend at this end of Oaklea. Elevations of the proposed dwelling would appear as a bungalow from the front elevation fronting Oaklea, however due to the sloping of the land it would appear as a two storey dwelling to the rear. The proposed dwelling from the front elevation would appear relatively modest in size, however it is considered to be of a much larger scale in terms of bulk and mass than garages that can be seen within the garden areas of properties neighbouring the site.

- 10.15 The proposed dwelling would host a pitched roof with rear facing gable end and side facing hipped end. The materials suggested in the application form would present red facing brick and some painted render finishes, with upvc casements windows and white aluminium framed windows and roof tiles of a similar match to those used on properties on Oaklea. There is a clear attempt at reflecting the exterior materials present in the area, as well as the roof with a pitched roof rising away from Oaklea. The proposed dwelling would also host a pitched roof entrance porch. 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. The proposed dwelling is considered to be satisfactory in terms of its architectural design being of a high quality and complimentary to the differing styles of dwelling houses within the immediate area.
- 10.16 In regards to the scale of the dwelling, and whilst the immediate appearance in the streetscene a single-storey (bungalow) (4.8m high) in form reflecting dwellings on north and north eastern side, the height when approaching Oaklea would be similar to the two storey dwellings on the south western side of Oaklea at approximately 7.4m. However, this height would not be readily visible from the streetscene but instead when viewed from the gardens of adjoining properties. The proposed property would not be wider than the surrounding dwellings, and by virtue of its detached nature, would not vary unduly from the prevailing detached property type. 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.
- 10.17 Whilst it is acknowledged that the dwelling would appear as a two storey dwelling to the rear its appearance within the street scene would not be objectionable as existing bungalows can be seen opposite the site. Additionally as the proposed dwelling would be located next to properties 1a & 1b Oaklea which are two storey residential dwellings and are considered to be of a much larger scale than that proposed, the proposed dwelling from the front elevation only would not appear out of character.
- 10.18 As illustrated in paragraph 2.5, the proposed building has been reduced in size, scale and bulk compared to the previously refused scheme. Its footprint and scale are comparable to the adjoining property. In comparison, the adjoining property at 1a Oaklea has a footprint of approximately 100Sq.m (excluding detached garage) compared to 86Sq.m for the proposed building. No.1a has a rear garden space of approximately 150m² compared to 182m² and a density of approximately 29 dwellings per hectare compared to 22 dwellings per hectare being proposed.
- 10.19 Paragraph 7.19 of the Welwyn Hatfield District Plan 2005, in the pre-amble 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 detached houses and bungalows. The proposed detached dwelling would fall within the layout, form or existing pattern of the street continuing the built form on this side of the street.

10.20 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 1 for refusal N6/2008/2175/FP). This view is reinforced by virtue of the prevailing character of detached and single-storey buildings. By virtue of the prevailing character of the street scene, the proposed detached property would not represent over-development of the plot or a cramped form of development (reason 1 for refusal N6/2008/2175/FP). The context of the plot, being a back land development, would not set a precedent for development in adjoining rear gardens. There are properties in the street with footprint of between 85 to 95Sq.m. The proposal is considered to compare favourably with neighbouring properties and would not have an adverse impact not detract from the character of the area, and as such complies with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and relevant section of the NPPF. The proposal therefore overcomes the first reason for refusal.

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

- 10.21 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. In addition, 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.
- 10.22 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.
- 10.23 The land has a gradual slope from the street (Oaklea) to the existing dwelling (facing Great North Road). The survey plan indicates that the portion of the site to be sectioned to the proposed dwelling has a downwards slope its lowest point at the rear set at approximately 2.4m below the street level. The adjoining properties to the north east and south west have a similar slope, therefore the dwelling will be sited on higher ground than the existing dwellings located within the immediate area on Great North Road.
- 10.24 The elevations indicate that the floor (ground) level of the proposed dwelling at the rear will be 2.4m above the natural ground level of the land. In most cases a standard 1.8m high fence between properties would provide an acceptable barrier to protect the privacy of adjoining property owners. In this case however, given that the floor level of the proposed dwelling is at 2.4m and the land continues to slope down towards the dwelling at No.26 Great North Road, any form of boundary screening would need to be higher than the standard 1.8m; a 2.4m boundary fence is proposed between the rear boundary of the existing and proposed properties. This is considered would provide effective privacy screen at ground floor level.
- 10.25 Unlike the previous scheme which was approximately 14.7m long with 13.1m of it projecting beyond the rear wall of 1a Oaklea and which was set an average 1.4m

from the shared boundary, the proposed dwelling would take the form of L-shaped with an overall depth of approximately 11.5m set at an angle along No 1a's flank. Although the building would be set beyond the rear wall of 1a Oaklea, its design is such that its bulk would be away from the shared boundary with its closest wall to the boundary set at approximately 3.1m while its rear wall is set at approximately 8m from the shared boundary and approximately 17m from the rear first floor window. Its nearest wall to that of 1a Oaklea is set at approximately 4.3m. Notwithstanding these distances and projections, the layout and scale of the proposed dwelling would not appear unduly overbearing and overdominant when viewed from the habitable room windows of No. 1a as it would not breach the 45 degrees line-of-sight from the window. As such, it is considered that the proposal would not impact on the outlook from the habitable room windows of 1a Oaklea. There is a small window in the flank of No. 1a which serves non habitable room.

- 10.26 A two storey aspect of the proposed building would be set 1.5m from the shared boundary with 28 Great North Road projecting approximately 5.5m inward from the rear boundary but would not project beyond the right flank of the single-storey detached garage in the bottom of the rear garden of No. 28. Whilst the rear gabled end would be visible from No. 28, it would be set some 28m from its main rear wall. As a rule of thumb (principle of designing buildings) to mitigating the impact of a two-storey development in terms of its dominance or overbearing impact, a minimum distance of 15m is required between a first floor rear habitable room window and a two-storey wall. The positioning of the new dwelling is such that it would be separated from habitable rooms of adjoining premises by approximately 28m from Nos. 26 and 28 Great north Road, 27m from No. 24 Great North Road and 32m from No. 30 Great North Road. These measurements have been taken from the nearest point of the main bulk of the proposed dwelling. It is therefore considered that the proposed development would not appear unduly overbearing when viewed of the rear windows or private garden areas of the neighbouring properties by reason of its reduced scale, bulk and mass.
- 10.27 The character and context of the area, in relation to Oaklea and Great North Road consists of relatively low 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.
- 10.28 The proposed dwelling would be south facing. Whilst there is likely to be shadow cast by the proposed dwelling, this would be predominantly to the west and on itself and some shadow on 1a Oaklea in the morning. However, as a result of its orientation to adjoining properties, the proposal would not detrimentally affect the amount of daylight / sunlight currently enjoyed by the occupants of 1a Oaklea. No. 1a is located northwest of the application site and a result of the sun setting to the west, its rear garden and that of the proposed building would get adequate day light especially throughout the afternoon and summer months. 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 north east boundary than the northwest 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.

10.29 In regards to loss of privacy, the internal layout of the first floor of the proposed building is such that no direct overlooking of neighbouring properties would occur. As a rule of thumb to ensuring privacy, residential developments should be designed so as to protect the immediate 3m private garden area of a residential property taken from its rear wall. Also, first floor rear habitable room windows should be set at least 23m away from another properties rear first floor habitable room in order to preventing direct overlooking. Whilst there is the possible that a first floor habitable room window may overlook neighbouring property, this will be assessed against the 45 degrees line-of sight design principle in order to minimise its impact. An assessment of the submitted plans shows that the first floor windows serving bedrooms 2 and 3 would overlook the gardens of 1a and 1b Oaklea at the rear end, this would be outside their private garden area. The bedroom 1 window facing the rear gardens of Nos 1a and 1b Oaklea would be high level window set 1.8m from internal floor level. Likewise, an oval window is proposed in the rear gabled wall facing Nos. 26 and 28 Great North Road; this window is also high level set 1.8m from the internal floor area. Both windows would be fitted with obscured glass and non-opening. They are to serve as additional source of light to bedroom 1 as its primary window faces the road and rear end garden of 28 Great North Road. None of the Great North Road neighbouring properties are inside the minimum 23m overlooking distance from the first floor rear window of the proposed building. No window is proposed in the flank facing 1a Oaklea. It is considered that subject to appropriately worded condition to ensure the windows serving bedroom 1 on the side and rear elevations are obscure glazed and non-opening unless 1.8m above the internal floor level, the proposed development is acceptable in regards to loss of privacy. Therefore, the proposal overcomes the 2nd reason for refusal of the previous scheme.

10.30 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 semi-detached property, No. 26 Great North Road, 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.

4. Highway and Parking

10.31 In terms of access and parking, the adopted parking standards (supplementary planning guidance) specify that the maximum parking requirement for dwellings in this location (Zone 4) is 2 spaces for a 3 bedroom property. The proposal provide 2 off-street parking spaces. 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 and Interim Policy for Car

Parking Standards and Garage Sizes. The proposal therefore complies with Policy M14.

10.32 Policy D5 of the Welwyn Hatfield Plan requires that new development take into account its impact on existing and proposed movement patterns. Hertfordshire County Council has raised no objection to the application based on the impact of the development on Great North Road and Oaklea.

10.33 Some local residents have raised concern regarding vehicular flow and pedestrian safety in this section of the road in particular and the rest of the road in general. From officers' discussion with some local residents, this is a major concern; Highways Authority has advised that the proposal is acceptable on highways ground. The advice received is as follows:

10.34 *"Whilst this proposal for the site of 26 Great North Road is new and there are changes to the proposal, the Highway response remains as previous.*

Oaklea Wood – from Oaklea to end is private road, not maintained at public expense.

The County Council as Highway Authority have few powers on this section of highway. I would observe however, as a responsible highway authority, that if – as proposed the new access interferes with parking bays inset and proposes a new area for parking, that to provide appropriate accommodation for vehicles to park easily without interference to vehicles on the adjacent road, bays should be a minimum of 6m x 2m. Tails should facilitate ease of use. Visibility from the proposed access appears acceptable, being located on outside of bend, however again, noting the private nature of the road, the County Council cannot confirm any existence of land provided to maintain visibility splays. Vehicle speeds / volumes are low in this area, and therefore it would be reasonable for visibility splays to be considered in this context (particularly that they may be measured 2m from carriageway). The provision of the new / relocated lay by should be confirmed as being within the red line to the application site, and it shall be for the LPA to determine whether the provision of such 'on street' parking to bolster local parking supply is necessary by regard to their own parking standards.

The additional dwelling is unlikely to have a material impact on the surrounding highway in terms of capacity."

10.35 With regards to Highways Authority's comments, the proposed development is to gain vehicular access to the area of the road currently used as a paved verge/vehicle layby which allows vehicles to pass on the narrow road which provides a connection between Oaklea and Oaklea Wood. The location of the vehicle access point of the development appears to occupy a significant portion of the vehicle layby area on the road. However, a new layby measuring approximately 8m x 2m has been provided as an extension to the existing layby. The proposed layby is inside the application site redline, and as such a condition for its construction and retention can be included in any planning permission. The proposed parking bay would measure 5.2m x 5.4m and set approximately 3m from the carriageway. This would afford adequate visibility splays for ingress and egress of vehicles from site. These are in accordance with the Highways Authority's advice. Therefore it is considered that the construction of vehicle

access to the site within this area would not pose any serious conflict between vehicles entering and existing the site and vehicles passing from Oaklea to Oaklea Wood. The proposal therefore overcomes the 3rd reason for refusal of the 2009 application.

5. Other Considerations

- 10.36 Landscaping – It is noted that at present the boundary onto Oaklea benefits from established vegetation, which would be lost should a dwelling be constructed. It is therefore considered that landscaping would be important to the success of any development. The previous scheme was not refused on landscaping ground. Landscaping conditions have been recommended in order to ensure a satisfactory landscaping and maintenance scheme.
- 10.37 Strong objection has been received from both the Welwyn Parish Council and surrounding residents regarding the application. A list of the matters of objection are included within the 'Representations' part of this report. In summary the matters of objection included concerns over privacy impacts, the resultant overdevelopment of the site, concerns regarding traffic and safety issues and matters relating to serving notice to effected property owners. It is considered majority of issues have been addressed within the relevant sections of the body of this report, however the outstanding matters will be discussed below.
- 10.38 Concerns have been raised regarding the agent/applicant serving notice on the appropriate land owners. The applicant has only completed 'Certificate A', that being the land owner of the application site. However if the correct owners or rather those with rights have not been served notice, there are implications regarding the validity of the application once determined. Matters relating to the accuracy of the 'Certificate A' however does not bear an impact on the determination of the planning permission. Matters relating to the ownership with regard to the usage of the layby and private road is not a material consideration rather a private matter between the agent/applicant and the related parties associated with the private road.
- 10.39 The site is not within a flood and drainage matters are regulated by Building Regulation.

Conditions

- 10.40 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 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, 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, C 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 first floor high level windows of bedroom 3 of the proposed building shown in drawing number AL(0)05 hereby approved shall be glazed with obscured glass and shall be fixed and non-opening and not be set below a height of 1.8 metres above the internal floor level of the room, 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.

3. Prior to the first occupation of the development hereby permitted the vehicular access and layby shall be provided and thereafter retained at the position shown on the approved plan (drawing number AL(0)10) 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.

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. The building shall not be occupied until the area shown on the plan attached hereto drwg no. AL(0)10 has been drained and surfaced with porous materials and that area shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved.

REASON: To ensure adequate off-street parking provision at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents. To comply with Policy M14 and D1 of the Welwyn Hatfield District Plan

6. 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) original levels and proposed finished levels [earthworks to be carried out]
- (b) means of enclosure and boundary treatments
- (c) car parking layout and markings
- (d) vehicle and pedestrian access and circulation areas
- (e) hard surfacing, other hard landscape features and materials
- (f) 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
- (g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- (h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- (i) details of siting and timing of all construction activities to avoid harm to all nature conservation features

(j) location of service runs

(k) 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.

7. 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

(g) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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.

DRAWING NUMBERS

8. 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
AL(0)01		Location Plan	26 September 2016
AL(0)02	G	Site Plan	30 November 2016
AL(0)08	B	Context Plan	6 October 2016
AL(0)04	E	Lower Floor Plan	30 November 2016
AL(0)03	F	Upper Floor Plan	30 November 2016
AL(0)05	E	Elevations	30 November 2016
AL(0)09	A	Elevations II	30 November 2016
AL(0)06	C	Section A-A	30 November 2016
AL(0)07		Site Survey	6 October 2016

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

1. 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).

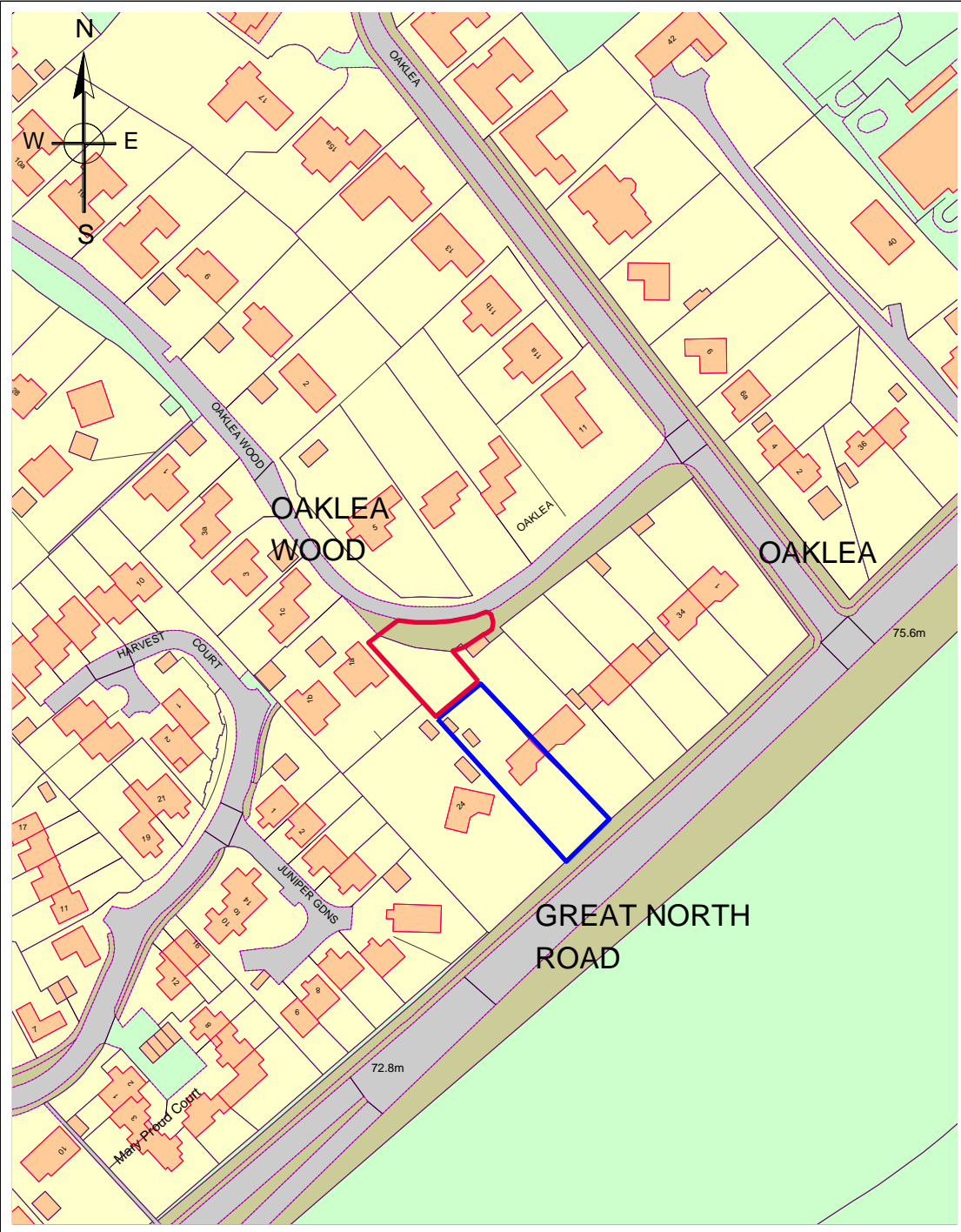
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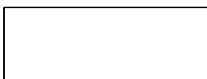
1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety 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 (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.
4. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.

Raphael Adenegan (Public Protection, Planning and Governance)

Date 25th May 2017

Expiry date 30th April 2017



 <p>Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE</p>	Title: Land rear of 26 Great North Road, Welwyn		Scale: DNS
	Project: DMC		Date: 2017
		Drawing Number: S6/2016/1980/FULL	Drawn: Andrew Windscheffel
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