

Part I

Executive Member: Councillor Perkins

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

6/2016/2615/FULL

58 HERON WAY, HATFIELD, AL10 8QX

ERECTION OF A 3-BED DETACHED DWELLING FOLLOWING DEMOLITION OF  
EXISTING DETACHED GARAGE AND REAR SECTION OF EXISTING DWELLING

APPLICANT: Mr G Grewal

AGENT: Mr S Cook

(Hatfield South West)

**1 Site Description**

- 1.1 The application site comprises a two storey semi-detached dwelling located on the western side of Heron Way, directly opposite its junction with Falcon Close.
- 1.2 There is a large garden area to the south side of the property, currently occupied by a detached single garage
- 1.3 The immediate locality features similar detached, semi-detached and link-detached properties in terms of size, design and appearance.

**2 The Proposal**

- 2.1 Planning permission is sought for the erection of a 3-bed detached dwelling following demolition of an existing detached garage and the rear section of the existing dwelling. External materials are proposed to match existing neighbouring properties.

**3 Reason for Committee Consideration**

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

**4 Relevant Planning History**

- 4.1 Planning reference: S6/1998/0953/FP – Erection of single storey side and rear extension (Granted – implemented)

## **5 Planning Policy**

- 5.1 National Planning Policy Framework 2012
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Supplementary Design Guidance, February 2005
- 5.4 Supplementary Planning Guidance, Parking Standards, January 2004
- 5.5 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

## **6 Site Designation**

- 6.1 The site 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 letters. 1 representation has been received from No. 44 Heron Way. Their comments may be summarised as:
  - Out of place with area;
  - Too close to adjacent properties and invasion of privacy;
  - Six cars parked in the front of the two houses would look like a car park.

## **8 Consultations Received**

- 8.1 The following have responded advising that they have no objections to the proposal:
  - Welwyn Hatfield Borough Council – Parking Services
- 8.2 No response has been received from the following consultees. Comments were due by 19 January 2017 - 9 March 2017 (following re-consultation) and 22 April 2017 (following further re-consultation)
  - Councillor Kieran Thorpe
  - Councillor John Fitzpatrick
  - Councillor James Broach
- 8.3 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** - Comments summarised as follows:
  - The principle of the development is acceptable in highways terms.
  - The revised access arrangements to the dwelling are an improvement in regards meeting accepted standards, and provide two fully accessible vehicle parking spaces for the new dwelling.

- It is deemed that the revised design (Feb 2017) is an improvement in highways terms and remains acceptable. No objection.

#### 8.4 **Welwyn Hatfield Borough Council Client Services Department –** Comments summarised as follows:

- No issues noted with this development as it would be incorporated into existing waste and recycling services. Three wheeled bins would be provided free of charge and space would need to be allocated for their storage within the property boundary and then presentation on the boundary for collection.
- We would provide 2 bins free of charge for refuse and dry recycling. We have a chargeable Garden Waste Service at £35.00 per year. Bins must be presented on the boundary with the public highway for servicing.

### 9 **Town / Parish Council Representations**

#### 9.1 Hatfield Town Council objection states:

*‘The Committee objected to the application due to an over development of the site and loss of car parking. The Committee questioned did the build impact on the neighbours? And was the new build a HMO?’*

### 10 **Analysis**

#### 10.1 The main planning issues to be considered in the determination of this application are:

1. **The acceptability in principle of residential development (SD1, R1, H2, GBSP2 and NPPF)**
2. **The quality of the design and the impact on the character and appearance of the area (SD1, GBSP2, D1, D2, D8, SDG and NPPF)**
3. **Impact on residential amenity of future occupiers and neighbouring properties (D1, SDG and NPPF)**
4. **The impact on highway safety, parking provision and cycle storage (M14 and SPG)**
5. **Other material considerations**

#### 1. **The acceptability in principle of residential development**

#### 10.2 Policy SD1 states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the Local Plan; Local Plan Policy R1 states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed; Policy GBSP2 directs new development into

the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries. These objectives are consistent with the National Planning Policy Framework (the Framework) which encourages the provision of more housing and the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking.

- 10.3 The site has not been allocated in the District Plan for additional housing supply and as such comes forward as a windfall residential site where Policy H2 of the District Plan applies. This policy states that all applications for windfall residential development will be assessed for potential and suitability against the following criteria:
- i. The availability of previously-developed sites and/or buildings;
  - ii. The location and accessibility of the site to services and facilities by transport modes other than the car;
  - iii. The capacity of existing and potential infrastructure to absorb further development;
  - iv. The ability to build new communities to support infrastructure and provide demand for services and facilities;
  - v. The physical and environmental constraints on development of land.
- 10.4 This application proposes the erection of an additional dwelling on land which historically formed part of a residential garden. Gardens in built-up areas are not classed as previously developed land, having lower priority for development, but that does not mean they cannot be built on in any circumstances. Although gardens are not a priority for development, the need to make efficient use of urban land remains a policy objective.
- 10.5 The application site is located within an existing residential area where the infrastructure has capacity to absorb further development. The application site is also located within an area which is accessible by non-car modes of transport and where there are services and facilities available within walking distance of the site. Furthermore, there are no known physical or environmental constraints at this site. The proposal would therefore accord with Local Plan Policies SD1, R1, GBSP2, H2 and the National Planning Policy Framework subject to an assessment of the scheme against the principles of sustainable development and saved policies governing residential development.
- 2. The quality of the design and the impact on the character and appearance of the area**

- 10.6 In addition to Policy GBSP2 outlined above, Local Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed having regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. Local Plan Policy D8 requires landscaping to form an integral part of the overall design. In addition to the above, the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 10.7 The immediate locality features detached, semi-detached and link-detached properties of the same size, design and appearance. Semi-detached properties along the row of the application site are generously spaced. Although there is no defined building line, properties are set back a similar distance from the highway.
- 10.8 The proposed dwelling would be similar to dwellings along this part of Heron Way in terms of footprint, scale, height, form and appearance. As such, the established character of the area in this regard would be maintained.
- 10.9 In terms of siting, the proposal would be positioned to the side of 58 Heron Way, adjacent to the side boundary with No. 60 and would follow the demolition of the existing detached garage and rear projection associated with 58 Heron Way. A distance of 1 metre would separate the proposed dwelling from the side boundary with 60 Heron Way. The two storey built form at 58 Heron Way would be separated from this side boundary by a further 4.9 metres. Also, a 1.6 metre distance would separate the proposed dwelling from the flank of 58 Heron Way.

Although there would be a notable reduction in the current spacing between 58 Heron Way and 60 Heron Way, such spacing distances, combined with the careful reflective design of the proposal, in terms of positioning, footprint, scale, form and appearance, would ensure that the proposal would not adversely impact upon the existing layout, spatial pattern and form of properties in the immediate context of the site.

- 10.10 Hatfield Town Council have objected to the proposal on the ground of overdevelopment of the site. It is however considered that the spacing distances between adjacent properties would adequately prevent overdevelopment across the plot width or a terracing effect within an area characterised with detached and semi-detached properties.

The existing plot would essentially be subdivided horizontally in order to facilitate the siting of an additional dwelling and associated front driveway/garden and rear garden. 58 Heron Way is contained within what is considered to be a generous sized plot relative to the footprint and scale of the dwelling and features a larger site footprint than other residential sites in the immediate context. In light of this, it is considered that the sub-division of

this plot in the fashion proposed would still maintain adequate sized front and rear gardens for each dwelling and ultimately ensure that they are not cramped within their respective plots.

- 10.11 Taking into account the above, it is considered that the proposed development would represent a high standard of design which would respect and relate to the character of the existing area in accordance with Policy D1, D2 and GBSP2 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance (Statement of Council Policy) and relevant parts of the National Planning Policy Framework 2012.

### **3. Impact on residential amenity of future occupiers and neighbouring properties**

- 10.12 The neighbours likely to be impacted by the proposal are 58 Heron Way and 60 Heron Way. No comment has been raised by the occupiers of either property.
- 10.13 58 Heron Way – The proposed dwelling would not extend beyond the front or rear wall of this property and, as such, the proposed development would not present any loss of light or dominant impact when viewed from front/rear windows or the private rear amenity space of this property. The flank wall of the proposed dwelling would be situated 1.6 metres from the adjacent flank wall of this property. 58 Heron Way features a modest window on this flank wall, however this window would not serve a habitable room. Therefore, the presence of a flank wall in such proximity would not result in detrimental loss of light or be unduly dominant from this window.

In terms of privacy, one first floor window is proposed on the flank elevation facing this property. This window would serve a landing and is not viewed to result in any adverse loss of privacy.

- 10.14 60 Heron Way – The proposed dwelling would not cause loss of light or be overly dominant from this adjacent property, as a result of either the length of projection, height or proximity to the side boundary

In terms of privacy, two first floor windows are proposed on the flank elevation facing this property. These windows would serve a bathroom and en-suite and therefore it is considered necessary and reasonable for such windows to be glazed in obscure glass and have a restricted level of opening in order to protect the living conditions currently enjoyed by the occupiers of this property. This can be secured through planning condition in the event of a grant of planning permission.

### **4. The impact on highway safety and parking provision**

- 10.15 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.

- 10.16 Hatfield Town Council have also objected to the proposal on the ground of loss of car parking.
- 10.17 A 3 bedroom dwelling is proposed. The Council recommends that 2 off-street car parking spaces are provided for a dwelling of this size. Although the proposal would result in the loss of the existing detached garage on the site, this application has provisions for 2 car parking spaces of appropriate dimensions to the front the existing property at 58 Heron Way and 2 car parking spaces of appropriate dimensions to the front of the proposed dwelling. As such, the proposed development fully complies with the Council's Car Parking Standards.
- 10.18 The existing dropped kerb would be retained which would afford vehicle access to the proposed dwelling, whilst a new access is proposed to afford vehicle access to the existing dwelling – 58 Heron Way.
- 10.19 Hertfordshire County Council Transport Programmes and Strategy (HCCTPS) consider that the principle of the development is acceptable in highways terms and access arrangements to the dwelling meet the accepted standards, and provide two fully accessible vehicle parking spaces for the new dwelling. No objection has been presented.
- 10.20 In light of the above, and contrary to Hatfield Town Council's objection, it is concluded that the proposed development would meet the Council's Car Parking Standards and not have any material impact on highway safety/capacity.

## **5. Other material considerations**

### Landscaping

- 10.21 Policy D8 (Landscaping) of the Council's Local Plan outlines that such development should include landscaping as an integral part of the overall design and should reflect the strong tradition of urban landscape design in the district
- 10.22 It is considered necessary and reasonable, in the event of a grant of planning permission, for a soft and hard landscaping scheme to be submitted and agreed prior to the commencement of the development in order to ensure that the visual amenity of the area is maintained and residential boundary defined. This can be secured through planning condition.

### Removal of permitted development rights

- 10.23 Through the additional built form created and subdivision of the existing plot, it is considered necessary and reasonable for permitted development rights under Class A and D of Schedule 2, Part 1 of the General Permitted Development Order are removed for 11 Heron Way and the proposed development, in the event of a grant of planning permission. This will enable Local Planning Authority to fully consider the effects of development normally permitted by that Order in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

### Refuse and Recycling Storage

- 10.24 The proposed drawings for this application do not show the space which would be allocated for refuse and recycling storage. This however can be secured through planning condition.

### Conditions

- 10.25 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 impacts of the proposal have been considered on the visual amenity of the site and surrounding area and on the amenity of neighbouring dwellings. It has been concluded that the proposal would sufficiently maintain and relate to the character, appearance and spatial pattern of development of surrounding area and would not have any significantly adverse impacts on the residential amenity of neighbouring dwellings. As a result, and subject to the suggested planning conditions, the proposal is in accordance with Policies GBSP2, D1, D2, D8, H2 and R1 of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guide and with the National Planning Policy Framework.
- 11.2 The proposal has also been considered with regard to parking and highway safety. It has been concluded that the proposed development would meet the Council's Car Parking Standards and not have any material impact on



highway safety/capacity. The proposal is therefore in accordance with Policies M14, the SPG Car Parking Standards and the Council's Interim Policy for Car Parking Standards and Garage Sizes and the relevant parts of the NPPF.

## **12 Recommendation**

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

1. 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.

2. No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- (a) means of enclosure and boundary treatments
- (b) hard surfacing, other hard landscape features and materials
- (c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- (d) 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.

3. The first floor side window of the development, facing 60 Heron Way, 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 floor level, and shall be retained in that form thereafter.

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

4. Details of the location, design and specification of the refuse bin and recycling materials storage bins and areas to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with Policies R5 and D1 of the Welwyn Hatfield District Plan 2005.

5. 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 Classes A, B and D of Part 1 of Schedule 2 shall take place at the development hereby approved and 58 Heron Way.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order, given the nature and scale of development hereby approved, in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

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

Plan Number	Revision Number	Details	Received Date
4028-E01		Existing Plans and Elevations	09 December 2016
4028-P01	B	Proposed Plans and Elevations	10 April 2017
4028-OS1	E	Location Plan	28 April 2017
4028-OS2	E	Block Plan	28 April 2017
4028-SITE PLAN	G	Site Plan	28 April 2017

### Summary of reasons for grant of permission

The decision has also 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 inspected at these offices).

### Informatives

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does

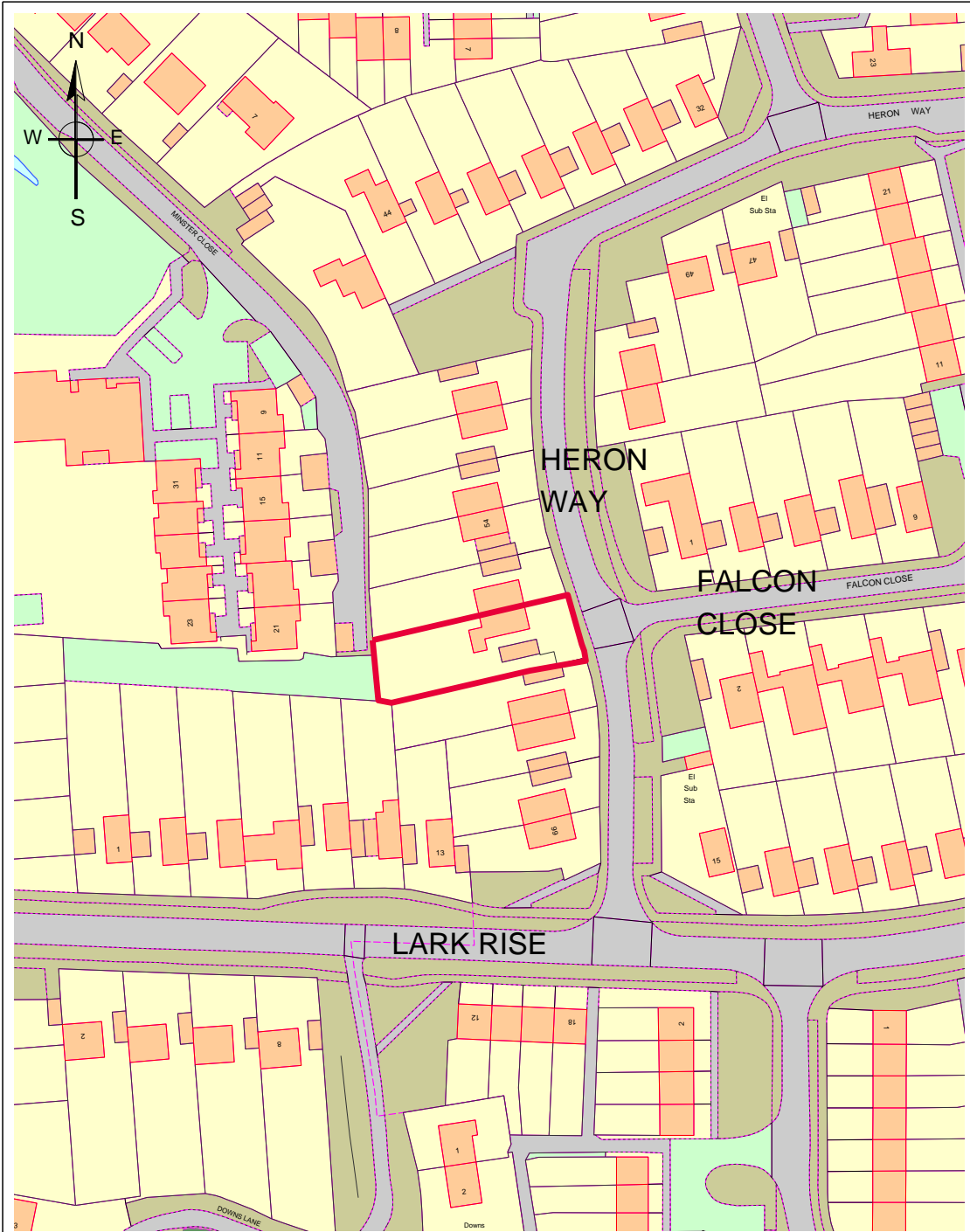
this permission negate or override any private covenants which may affect the land.


2. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Patrycja Kowalczyk 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
3. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
4. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

David Elmore (Development Management)

Date of Expiry: 03/02/2017

Time Extension: 26/05/2017



 Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title: <b>58 Heron Way, Hatfield</b>		Scale: <b>DNS</b>
	Project: <b>DMC</b>	Drawing Number: <b>6/2016/2615/FULL</b>	Date: <b>2017</b>
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