

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 22 JUNE 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2017/0048/FULL

GARAGES AND WORKSHOP AT GREEN CLOSE, BROOKMANS PARK,
HATFIELD, AL9 7ST

ERECTION OF A TWO STOREY DWELLING AND ASSOCIATED LANDSCAPING
FOLLOWING THE DEMOLITION OF EXISTING GARAGES/WORKSHOP
(RETROSPECTIVE)

APPLICANT: Mr N Twyman

AGENT: Mr D Morgan

(Brookmans Park & Little Heath)

1 Site Description

- 1.1 The site is almost 0.05 hectare located off Green Close. The northern boundary of the site backs onto the rear gardens of a number of properties along Peplins Way. To the western side of the site lies a triangular shaped piece of land which has recently been granted planning permission for 12 residential units. Further to the west is a railway line (East Coast Railway). Surrounding the site to the east and south are dwellings which have recently been constructed following demolition of dwellings comprising 1-12 Green Close. Further to the south on the other side of Green Close are also recently constructed dwellings.
- 1.2 The site itself is almost L-shaped and currently comprises a partly demolished garage block. It is understood that the site contained four garages, a workshop and greenhouse. To the rear are a brook and two trees – ash and weeping willow. Beyond the rear boundary, trees and landscaping are witnessed within the rear gardens of dwellings on Peplins Way. A line of close boarded fencing of approx. 2 metres in height separates the site from the new residential site to the east. A recently constructed large open-sided wooden car port with pitched roof abuts the western-southern boundary of the application site.
- 1.3 The surrounding area is residential in character although the scale and nature of development within Green Close has changed over recent years. Buildings are mainly 2-3 storeys with pitched roofs. The dominant material is brick, although the more recent development is a contemporary interpretation of the local vernacular.

2 The Proposal

- 2.1 The application seeks full planning permission for the creation of a single dwelling following demolition of garages/workshop. As the garages and workshop have been demolished, this application is retrospective rather than proposed.

- 2.2 The dwelling would comprise three bedrooms, all at first floor level and contained within the roof, and integral garage. Three small dormers, roof light and a projecting gable would be provided overlooking the entrance. Three roof lights would be provided on the rear roof slope serving the landing and hallway. Soft and hard landscaping would complete the rest of the plot.
- 2.3 Materials would comprise a white textured render and horizontal boarding for the walls, artificial slate roof and grey aluminium openings.

3 Reason for Committee Consideration

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

4 Relevant Planning History

Application site

- 4.1 Application Number: 6/2016/0683/FULL Decision: Granted

Decision Date: 21 July 2016

Proposal: Formation of two storey dwellinghouse with garage and associated landscaping following demolition of existing greenhouse

Adjoining Sites

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

Decision Date: 18 May 2010

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

- 4.3 Application Number: 6/2016/0192/MAJ Decision: Approval subject to s106

Decision Date: 16 August 2016

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

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

Decision Date: 25 June 2014

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

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

Decision Date: 30 July 2013

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

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

Decision Date: 26 April 2012

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

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

Decision Date: 23 September 2009

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

5 Planning Policy

5.1 National Planning Policy Framework

5.2 Welwyn Hatfield District Plan 2005

5.3 Supplementary Design Guidance, February 2005

5.4 Supplementary Planning Guidance, Parking Standards, January 2004

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

6 Site Designation

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

7 Representations Received

7.1 The application was advertised by means of site notice and neighbour notification letters. One representation has been received from 15 Peplins Way. The comments may be summarised as:

- Loss of privacy
- Overbearing development

8 Consultations Received

8.1 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** – do not object subject to condition

- 8.2 **Welwyn Hatfield Borough Council Landscaping and Ecology Department** – do not object subject to conditions
- 8.3 **Welwyn Hatfield Borough Council Client Services Department** – Bins would be incorporated into the existing ARRC scheme. No objection.

9 Town / Parish Council Representations

- 9.1 Objection stated as follows:

“North Mymms Parish Council object to this overdevelopment of the site with new developments of houses and blocks of flats in very close proximity given the location and smallness of the site this development is inappropriate.”

“North Mymms Parish Council previously objected to this development. North Mymms Parish Council OBJECT to this overdevelopment of the site with new developments of houses and blocks of flats in very close proximity. Given the location and smallness of the site this development is inappropriate. In spite of the removal of the garage building this is still a very small site with a shared driveway and negligible amenity space. It also is back land development. Our objection remains for this development.”

10 Analysis

- 10.1 The main planning issues to be considered in the determination of this application 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 and relates to the character and context of the area (D1, D2, Supplementary Design Guidance (SDG) and National Planning Policy Framework (NPPF))**
- 3. The impact of the proposal on the residential amenity of the adjoining properties (H4, D1 and Supplementary Design Guidance (SDG))**
- 4. Highway and Parking (M14 and Supplementary Planning Guidance)**

1. The principle of the development

- 10.2 Policies R1 and GBSP2 of the Welwyn Hatfield District Plan 2005 encourages development to take place on previously used or developed land and directs new development towards existing towns and specified settlements. This is in line with the National Planning Policy Framework 2012 (NPPF) which encourages the provision of more housing within towns and settlements and encourages the re-use of land which has previously been developed.

- 10.3 The site has not been allocated as a housing site within the District Plan (H1), and as such is considered to be a “windfall site” (H2). Policy H2 directs assessment of suitability against the following criteria –
- i. The availability of previously-developed sites and/or buildings;
 - ii. The location and accessibility of the site to services and facilities by transport modes other than the car;
 - iii. The capacity of existing and potential infrastructure to absorb further development;
 - iv. The ability to build new communities to support infrastructure and provide demand for services and facilities;
 - v. The physical and environmental constraints on development of land.
- 10.4 Whilst the Council has a 5 year housing supply, as outlined in the Annual Monitoring Report. It is therefore considered that the windfall residential development proposed could make a small but valuable contribution to housing land supply. The principle of a residential dwelling on the application site has also been established under planning permission: 6/2016/0683/FULL.
- 10.5 The application site lies within the settlement of Brookmans Park as designated within GBSP2 of the Welwyn Hatfield District Plan. The application site is located within an existing residential area and as such the infrastructure has been developed to provide good transport links for existing residents. There are also services and facilities available within walking distance of the site. The principle of residential development is therefore acceptable against the criteria set out in Policy H2 subject to an assessment of the scheme against the following policies having regard to design, parking, and means of access as well as amenity of the occupiers of adjoining premises.
- 10.6 Overall, it is considered that the site is, in principle, acceptable as a residential windfall site. The site complies with Policy H2 of the Welwyn Hatfield District Plan in regards the criteria of suitability.

2. Whether or not the scheme incorporates high quality design and relates to the character and context of the area

- 10.7 Local Plan Policies D1 and D2, alongside the Supplementary Design Guidance (SDG), seek to ensure a high quality of design which relates to the character and context of the area. The policies require a high quality of design in all new development. These policies are in line with the NPPF section 7 in that planning should require good design.
- 10.8 The garage block on the site, even if not partly demolished, would be somewhat out of character with the surrounding development which has recently been constructed to the east and south under planning permission: S6/2013/2231/MA. The garages under this permission have also been formally constructed. Retaining garages in this location is therefore not in keeping with the character and their retention was not part of the considerations of the developments within Green Close which surround the application site.

- 10.9 The pre-existing building was a fairly typical style circa 1950's garage block which is considered to have no architectural merit. The proposed dwelling would have a mixed white render and horizontal boarding facing, above which slate tiles would be used. These type of materials would be compatible with the development within the immediate locality which aims, to some degree, to provide a modern-day mews appearance. The choice of materials is therefore considered to be appropriate for this site.
- 10.10 North Mymms Parish Council have objected to this development, outlining that it would represent over-development, taking into account development recently constructed surrounding the site and through the location and small size of the site.
- 10.11 This application is the same in nature and similar in siting and design to that recently granted on this site under planning permission: 6/2016/0683/FULL. In terms of size and scale variations between the proposed scheme and that previously approved, the proposed scheme is 0.5 metres greater in height, 32.sqm greater in foot print and 34.sqm greater in floor space.
- 10.12 Despite such variations, it is considered that the design of the proposal has still taken good opportunity of the surrounding constraints as well as the site's constraints to provide a relatively unique dwelling that would fit relatively well within its context.
- 10.13 In terms of amenity space, the rear and side gardens, although not of a conventional design (being relatively long and thin) would provide a relatively private environment, due to the existing boundary treatment and good aspect. As such, it is considered that a good quality environment would be provided to future occupiers.
- 10.14 Although the side and rear garden are considered to be of adequate size relative to the size of the proposed dwelling and site, extensions to the dwelling and/or outbuildings under permitted development may result in the erosion of this amenity space and over-development of built form within this unique plot. As such, it is considered necessary and reasonable for permitted development rights to be revoked under Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
- 10.15 Overall the proposal is considered to be of a high standard of design and relate appropriately to the character of the area and would therefore comply with national and local plan policies.

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

- 10.16 A terraced row of dwellings have been constructed on the adjoining land to the south-east of the application site under planning permission: S6/2013/2231/MA. Plot 16 of this development (now No. 10 Green Close) borders the application site boundary. The single storey element of the proposal would be located adjacent to side boundary rear garden of this property whilst the two storey bulk would be separated from the boundary by some 5.9 metres. It is also noted that the development to the south-east has been erected on higher ground level to that of the application site. As such,

the sufficient spacing distance and relationship between the proposed dwelling and No. 10 Green Close would not result in any adverse loss of light or be overly dominant from this adjacent property.

- 10.17 The south-east flank elevation of the proposed dwelling would feature a triangular shaped window facing No. 10 Green Close. Although this window would serve a bedroom, its high positioning would not present any adverse overlooking or loss of privacy.
- 10.18 Existing residential properties are located to the rear of the application site. Objection has been raised by 15 Peplins Way on the grounds of loss of privacy and overbearing impact. The back to back distance between the proposed dwelling and the existing is approx. 30 metres. Furthermore, the roof lights installed on the rear roof slope facing these properties would serve non habitable space. Accordingly, the proposal would not result in any loss of privacy to this property or any others backing onto the application site.
- 10.19 In terms of being overbearing, due to the distances involved and regard to landscaping, the proposed first floor development would not be overbearing toward any of the properties bordering the boundary along Peplins Way.
- 10.20 Overlooking, to a degree, may occur should dormer windows be inserted within the rear roof. It is therefore considered necessary and reasonable for permitted development rights to be revoked for additions to the roof under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 10.21 It is therefore concluded that the proposal will comply with Policy D1 of the District Plan and will retain the amenity currently enjoyed by existing as well as for future occupiers.

4. Highway and Parking

- 10.22 The proposed dwelling would comprise three bedrooms. An integral garage, front driveway and parking area have been shown within the proposed plans which would more than facilitate the two car parking spaces which should be provided in line with the Council's Car Parking Standards for a dwelling of such size. As such, parking provisions are acceptable.
- 10.23 Hertfordshire County Council (Transportation Programmes and Strategy) (HCCTPS) have been consulted and do not wish to restrict the grant of permission subject to a condition regarding construction details of the road areas required for use by refuse vehicles. It is noted that planning permission: 6/2016/0192/MAJ has evidenced that access to the application site for refuse collection is sufficient. Construction details of the road areas for use by refuse vehicles can be secured through planning condition.

Conditions

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

12 Recommendation

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

1. 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) existing trees, hedges or other soft features to be removed and retained;
- (d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- (e) 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. A Tree Protection Plan and Arboricultural Method Statement shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the dwelling hereby approved. These documents should comply with BS5837:2012 (Trees in relation to design, demolition and construction - Recommendations) or state why they do not.

The statement must include:

(a) a plan showing the areas of on-site trees and trees on land adjacent to the site, to be protected and fenced in accordance with the relevant British Standard and to identify areas where no chemical or materials or equipment shall be stored, mixed or prepared, no fires or site washings, within the Root Protection Area of the tree or under the canopy spread whichever is the greater;

(b) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree and any tree on land adjacent to the site;

(c) clearly show any demolition, construction or soil level changes to be undertaken within the proximity of the Root Protection Area of the retained trees and trees on land adjacent to the site;

(d) specify any other means needed to ensure that all of the trees to be retained and trees on land adjacent to the site will not be harmed during the development, including by damage to their root system, directly or indirectly;

(e) confirm that no excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall not take place within any area designated as being fenced off or otherwise protected in the approved scheme;

(f) explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the Local Planning Authority;

The development shall be carried out only in accordance with the approved documents, unless the Local Planning Authority has given prior written consent to any variation. Trees on or adjacent to the site must be protected in accordance with the agreed statement throughout the period of development. The fencing or other works which are part of the approved Tree Protection Plan shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

4. Prior to the occupation of the development, construction details of the road area required for use by refuse collection vehicles shall be submitted to the

Local Planning Authority for approval in writing. These details shall show compliance with the construction standards required for highway adoption.

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

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

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

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

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

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

8. 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
02	A	Existing Plans and Elevations	10 January 2017
916521		Land Survey	10 January 2017
02	A	Proposed Plans and Elevations	05 April 2017

Positive and Proactive Statement

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

Informatives

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act,

must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.

2. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Patrycja Kowalczyk 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
3. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
4. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to 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: 07 March 2017

Time Extension: 26 May 2017

