

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 12 OCTOBER 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND
GOVERNANCE)

6/2017/0235/FULL

28 HIGH OAKS ROAD, WELWYN GARDEN CITY, AL8 7BH

ERECTION OF A DETACHED HOUSE WITH GARAGE, PARKING AREA AND
GAZEBO WITHIN REAR GARDEN

APPLICANT: Mr A Nicholas

AGENT: Mr Keith Harley

(Handside)

1 Site Description

- 1.1 The application site is located on the western side of High Oaks Road and forms part of the side garden of No. 28 High Oaks Road, a two-storey detached dwelling with front, rear and side associated gardens of large site area. The proposed site measures approximately 49 metres deep and 19 metres wide and is screened along the road frontage with mature hedge and trees. To the rear (west) of the site is a golf course, Welwyn Garden City Golf Club. The adjoining properties (Nos. 24 and 30) are detached houses and the surrounding area is residential in character and appearance comprising predominantly of very substantial detached houses of various designs. This includes a couple of flat roofed design which nod towards the modern movement rather than the Neo-Georgian style that is prevalent. Properties have deep frontages and are also set back from the road frontage by a generous verge. There is currently no tangible structure on the application site but instead contains considerable amount of vegetation including mature trees and shrubs with high hedges along the front and rear boundary.
- 1.2 There has been much redevelopment in the area, where dwellings have been extended however, there are no other new residential developments which are considered to be within the context of the application site.

2 The Proposal

- 2.1 The application seeks full planning permission for the sub-division of the site and the erection of a 4 bedroom two-storey dwelling to the south side of No. 28 High Oaks Road, with a detached garage and associated parking to the side and front. A gazebo is also proposed within the rear garden along the proposed shared boundary with the existing property. The proposed building would front High Oaks Road with its own separate access.
- 2.2 The proposed dwelling would be rectangular in shape with a flat roofed detached garage to the right (north). The proposed building would have a footprint approximately 13.3m deep (including bay window) and an overall width of

approximately 8.4m. The detached garage would be approximately 6m deep and 3m wide while the gazebo to be set along the new boundary with No. 28 and approximately 9.8m from the rear wall of the new building, would measure approximately 6m wide and 3m deep. The use of the proposed gazebo would be shared between the proposed new dwelling and the existing dwelling with half of its width on either side of the new side boundary.

- 2.3 The ground floor of the proposed dwelling is to be approximately 80m² and the first floor approximately 75.2m² equating to a total floor area of 155.2sq.m and a footprint of approximately 181m². The garage would have a footprint approximately 23.4sq.m. The existing dwelling and proposed dwelling will be divided by a combination of brick wall and close boarded fence of 1.8m high and new mixed hedging allowing approximately 403m² of rear private garden area for the proposed dwelling and the remainder (in excess of 1028m²) to be associated with No. 28 High Oaks Road. The gazebo would have a pitch roof with gable ends.
- 2.4 The new dwelling would host a pitched roof with hipped ends while the detached garage would have a flat roof contained in a parapet wall. The siting of the dwelling on the divided plot is such that it would sit nearer to the boundary shared with No 30 and set approximately 13.2m from the front boundary unlike the existing house which is set approximately 31m from the front boundary.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee as Cllr Bromley has called the application in on the grounds that:

“Amenity loss to residents by virtue of loss of privacy currently offered by the garden area of the adjacent property, rather than any brick/living accommodation. Amenity loss to the street scene by virtue of a loss of hedge, grass verge etc. and more visible hard landscaping. This street has houses on large individual plots, which this garden grabbing development would compromise.”

4 Relevant Planning History

- 4.1 The current proposal is as a result of a series of negotiations with the Planning and Conservation Officers following the withdrawal of two previous planning applications.
- 4.2 6/2016/1142/FULL – Erection of dwellinghouse and garage and formation of parking area. Decision: Withdrawn Decision Date: 07 November
- 4.3 2016N6/2015/0361/FP – Erection of a detached house, garage, parking area and loggia within the rear garden. Decision: Withdrawn Decision Date: 22 June 2015

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2012
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Draft Local Plan Proposed Submission 2016 (emerging Local Plan 2016)

- 5.4 Supplementary Design Guidance, February 2005 (Statement of Council Policy)
- 5.5 Supplementary Planning Guidance, Parking Standards, January 2004
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

6 Site Designation

- 6.1 The site is located in the Welwyn Garden City Conservation Area as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

- 7.1 The application has been advertised by neighbour notification letters, press advert and site notice and 16 representations (11 letters of objection from WGC Society, 1 Dognell Green, 30 Elmwood, Nos, 21, 25, 30, 31, 32, 36, 40, 36 High Oaks Road; and 4 letters of support from Nos. 3, 20, 22, 24 High Oaks Road) have been received. The issues raised are similar to those of previous applications. A summary of the issues raised by surrounding property owners are below and shall be discussed within the body of this report.

Matters of objection:

- Welwyn Garden Society – To resort to an ‘Architectural wallpaper’ approach, unrelated to the internal plan form displays, in our opinion, a lack of respect for both De Soissons, the street and the wider Garden City context;
- The proposed Ground Floor Plan shows three major habitable rooms on the South elevation complete with a large terraced area. These rooms and the terrace, given the elevated position arising from the natural slope of the site, would directly overlook No. 30 and the First Floor rooms on the North elevation;
- The proposed development would also adversely impact No. 30 because of its orientation (principal elevation and ground floor rooms facing south) and its relative proximity to No. 30 rather than to No.28;
- The proposed boundary treatment with No. 30 of slow growing Conifers and Laurels shrubs is inappropriate;
- The size of the plot to No 30 is irrelevant in that the house is close to the, North, Boundary and adjacent to the proposed dwelling and this aspect should be respected.
- Local Residents – There should be a presumption in favour of retaining trees and minimising extensive over-development to retain the character of the Garden City;
- This is the third attempt to add an additional property to this unique and historic road and would lead to the destruction of Howard's iconic garden city;
- Infilling inappropriate to the area and which may set a precedent and which could result in other residents seeking to sell off bits of front, side and rear gardens to the general detriment of the road;
- The proposed new house is directly opposite to the two Louis de Soissons houses which are somewhat unique both in design and outlook the character of which would be compromised;
- The proposal would be out of character and context of the area;
- Additional house and driveway in place of the current garden would adversely impact the character of this part of High Oaks Road;

- The proposed house would be very visible from the road, thus upsetting the balance and negatively impacting on the character and appearance of this conservation area; and
- As a general principle within the Welwyn Garden City Estate Management area it cannot be appropriate to construct additional dwellings on existing plots simply because there may be enough space to accommodate them.

Matters of Support:

- Other houses have successfully split their plots and I believe this plan for 28 High Oaks Road will also be a success. There is a desperate shortage of housing, so where it's tastefully possible to create more then I think that is a good thing;
- High Oaks Road has many different styles of houses and that is a key part of its charm. I believe the applicant's plan will enhance the street not detract from it;
- With pressure on housing use of space in a residential area is a great way of preserving greenbelt. This has already been done very well at number 30;
- We feel the overall design fits in very well indeed with the character of High Oaks Road. We note its relatively small frontal area in proportion to the depth, also the low flat garage roof - both minimising obstruction of views of any foliage to the rear from the street; and
- The plot itself is a natural current 'space'. One almost wonders why there is not a house on it already as one walks down the road.

8 Consultations Received

- 8.1 Welwyn Hatfield Borough Council Conservation Officer has responded raising some concern with the proposal:

'The new proposals are for a similar sized and located house. However, it is less assertive, especially in view of the substitution of the mono-pitched roofs by a traditional pitched roof. The overall width and therefore span of the roof has also been kept within that which is prevalent in the road. However, the garage is out of scale, the overall area of flat roof too great and the whole assembly including the link to the house tends to infill the whole area to the boundary. It would be preferable to have a simple normal width single garage and a gap between this and the house. The existing frontage hedge remains one of the important features of the site and it is still proposed to create a separate entrance through it and this would harm its character. The roof scape is somewhat bland, mostly because there are no chimney stacks. It would be preferable to install at least one even if it used as a roof ventilator rather than for use with solid fuel fires.

The amended plan would address the issue of the access. The garage at 3.5m wide still seems a bit excessive and definitely higher than necessary at 3m, preferable if they could shave a bit off. I would recommend conditions requiring submission of details of all external materials for prior approval by the Local Planning Authority'.

- 8.2 No objections have been received in principle from the following list of consultees, subject to conditions and requirements:

- Hertfordshire County Council Transport Programmes and Strategy (HCCTPS);

- Welwyn Hatfield Borough Council (Landscape Department); and
- Hertfordshire Ecology

9 **Analysis**

9.1 The main planning issues to be considered are:

1. **The principle of the development (National Planning Policy Framework 2012 and Policies SD1, R1, H1, H2, GBSP2 of the Welwyn Hatfield District Plan 2005), Policy SADM1 of the emerging Local Plan 2016**
2. **Whether or not the scheme incorporates high quality design in accordance with the principles of the Welwyn Hatfield District Plan (2005) enhance and preserve the context and character of the Conservation Area (D1, D2, D3, D8 Supplementary Design Guidance (SDG) and National Planning Policy Framework (NPPF))**
3. **The impact of the proposal on the residential amenity of the adjoining properties and future occupants (D1 and Supplementary Design Guidance (SDG))**
4. **Highway and Parking (M14 and SPG), Interim Policy for Car Parking Standards and Garage Sizes**
5. **Other Considerations**
 - i) **Landscaping (National Planning Policy Framework 2012 and Policies D1, D8 and R17 of the District Plan)**
 - ii) **Conditions**

1. **The principle of the development**

9.2 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.

9.3 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.*

9.4 In addition to this, the provisions of Policy SADM 1 of the emerging Local Plan to Windfall Development are therefore relevant. That Policy states: -

- i. The site is previously developed, or is a small infill site within a town or excluded village. In the Green Belt, Policy SADM 34 will apply;*
- ii. The development will be accessible to a range of services and facilities by transport modes other than the car;*

- iii. *There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;*
- iv. *Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and*
- v. *Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.*

- 9.5 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 detached, two storey dwelling and garage. Although residential rear gardens, in accordance with the glossary of the National Planning Policy Framework (the NPPF), are not defined as ‘previously developed land’.
- 9.6 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 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.
- 9.7 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. There are also services and facilities available within reasonable walking distance of the site.
- 9.8 Overall, the principle of residential development is therefore acceptable when considered 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. No objections are therefore raised in line with Policies GBSP2, R1 and H2 of the Welwyn Hatfield District Plan, Policy SADM 1 of the emerging Local Plan 2016 and the NPPF in regards the criteria of suitability.

2. Whether or not the scheme incorporates high quality design, enhance and preserve the context and character of the conservation area

- 9.9 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 and section 12 requiring the conserving and enhancing of the historic environment as within a Conservation Area.
- 9.10 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.

- 9.11 Objections have been received in regards to perceived overdevelopment of the plot, the built form being out of keeping with the streetscene and character of the Conservation Area and the setting of an unwelcome precedent for development in gardens. A discussion of these matters follows.
- 9.12 The streetscene in which the new dwelling would sit is High Oaks Road and the proposed site forms part of the garden of No. 28. The existing dwelling is two storeys in height and set back some 31 metres from the highway boundary. High Oaks Road is unusual in Welwyn Garden City in that every house has been individually designed, and a very broad range of design styles have been employed from the classic garden city houses at the entrance to Dognell Green, through an Art Deco inspired white rendered and flat roofed house, to very traditional 1920/30's bungalows.
- 9.13 The current scheme follows a series of negotiations with Planning Officers and the Conservation Officer following the withdrawal of two previous planning applications. High Oaks Road is one of the best in the Welwyn Garden City Conservation Area. It is particularly well landscaped and there are some very good houses in the street, including two opposite the site by Louis de Soissons himself.
- 9.14 The plot of No.28 is very large and because of the recessive location of the existing house at the rear of the original site, there would be room for another modest house with sufficient space to the boundaries characteristic of High Oaks Road. However, the fine mature trees and the frontage hedge make a major contribution to the sylvan character of the road and reinforce the planting on other plots. The proposed placement of the house would respect the general building line.
- 9.15 The layout of the proposal has been amended involving the creation of a separate access for the new dwelling unlike the initial scheme which has a single access shared with No. 28. The existing frontage hedge would remain which is one of the important features of the site and is critical to preserve the character and overall ethos of the garden city. Whilst the proposed development would result in an additional vehicular access which would in turn result in the breaking of the existing hedgerow thereby disrupting the hedgerow to the frontage of the site, the level of vegetation to be lost would not be significant enough to adversely impact on the visual amenity of this part of the street. This arrangement would also reduce the level of hardstanding compared to the initial site layout plan and would enable a hedge to be provided along the front of the shared boundary with No. 28 High Oaks Road and the proposed dwelling visible from High Oaks Road. This would be characteristic of dwellings in the street, with each dwelling having its own separate access. Therefore, whilst advice from the Council's Conservation officer outlines that a shared access is preferred, this is considered to introduce an alien feature into the street scene of High Oaks Road which would not retain the soft landscaping and ethos of the garden city, which is particularly apparent along High Oaks Road. Accordingly the benefits of a separate access clearly outweigh the disadvantages. This arrangement is considered acceptable and would not harm the character of the locality.
- 9.16 There is a wide variation of housing types in the road, as observed by the applicant in the Design and Access Statement. These include a couple of flat

roofed designs which nod towards the modern movement rather than the Neo-Georgian style that is prevalent. However, even these have vestiges of the style in respect of the “Georgian” style windows and the road retains its “quiet” and modest character that is typical of the Garden City.

- 9.17 The site at No. 28 High Oaks Road is also unusual in that it is a double width plot with the Arts and Crafts ‘Queen Anne’ style house located in the rear right hand corner, which leaves the possibility of adding a new house without disrupting the overall pattern of development. Whilst this is unusual it is not unique in that the adjoining No. 30 also had a double width plot, which was developed for a new house some years ago following the grant of planning permission in January 1989 (reference C6/1988/0968/FP) for the erection of a detached dwelling and garage. As such, a precedent has been set in the street and the locality even though the 1988 scheme was assessed under a different Local Plan. The principle for the development has been set out in paragraphs 9.2 – 9.8 above and found to be in broad incompliance with Council Policy.
- 9.18 The new house is designed externally like a traditional Garden City house similar to Nos. 28 and 30a, and will preserve and enhance the character and appearance of the surrounding area. The facing brick walls will incorporate brick dressings at the four main corners of the dwelling and the bay window at the front of the property will have white painted timber weatherboarding providing a subtle feature to enhance the appearance of the house and streetscene.
- 9.19 The palette of materials proposed for this traditional house are: multi-red stock facing brick with orange brick dressings at corners and white painted timber weatherboarding. The roofs will be clad in clay plain tiles, except the flat roofs of the porch and the garage which feature a parapet wall with brick copings and creasing tiles. These flat roofs are subsidiary to the main building, and are in keeping with the adjoining flat roofed houses at Nos. 30 and 26 as well as the numerous flat roofed garages within the immediate locality.
- 9.20 The interior of the house would have rooms which would flow well and conform to the requirements of the modern family, which is considered to sit well within the streetscene, enhancing the character and appearance of the conservation area. The windows are a combination of sliding sashes and casements and their sizes and locations are chosen to maximise internal light values without invading the privacy of adjoining owners.
- 9.21 The proposed house with a footprint measuring approximately 13m deep and 9m wide would have a ridge height of approximately 8.8m with eaves level set at approximately 5.2m. The house would be built forward of the line of the existing house on the plot, to avoid conflicts of views, but also to provide both houses with spacious settings. The proposed garage would be on a similar alignment to the frontages of Nos. 26 and 30, and of the garage to No. 28. The house would present a narrow frontage to the street, similar to Nos. 28 and 30, so that the space between houses is still very generous to maintain the visual impression of a spacious layout, and the majority of the existing planting in the plot frontage would be retained. The new house is on lower ground than the existing No. 28, so that there is a transition of heights between Nos. 28 and 30 which follows the fall of the land, and as such would create a harmonious streetscene.
- 9.22 The proposed garden loggia (gazebo) is designed to straddle the boundary and will give a focal point to the gardens of both the proposed and existing dwellings further dissipating the impact of the dwellings one from the other in their

respective gardens as well as providing relief to the length of boundary fencing and in turn, gives the impression that the gardens of both properties are well established in their own right. Its scale (approximately 18m²) is not considered to be unduly out of sync with the character of the area.

- 9.23 The proposal is for a house that would fit into the grain of the existing development seamlessly, while exhibiting its own individual character in the same way that all of the other houses in the road have done. The new proposals are for a similar sized and located house as was previously sought. However, it is less assertive, especially in view of the substitution of the mono-pitched roofs, as proposed previously, by a traditional pitched roof. The overall width and therefore span of the roof has also been kept within that which is prevalent in the road. The design and siting of the development is considered within the context of the architectural design and visual appearance of the surrounding area and is not considered to result in any harmful impact on the character or appearance of the Welwyn Garden City Conservation Area.
- 9.24 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 of 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. The design of the new dwelling respects the Garden City ethos
- 9.25 In summary, the proposed development is considered to be of an appropriate siting, design, scale and bulk which is in keeping with the character and appearance of the adjoining dwellinghouses and the surrounding area. The proposed development would achieve a high standard of design and would comply with Section 7 of the NPPF, Policies GBSP2, D1, D2, D3 and D8 of the adopted Welwyn Hatfield Local Plan and the Supplementary Planning Document: Residential Design Guide (2005).

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

- 9.26 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.
- 9.27 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. The following discussion takes place in this context.
- 9.28 The land has a downward slope from north to south. This means that the application site is on a relatively higher ground than the adjoining property, No. 30. This means that the proposed building would be approximately 3.4m higher than the roof parapet of No. 30 but with eaves level set the same as the apex of

No. 30's. The hipped end pitched roof of the new dwelling further mitigates the difference in height. This arrangement is a prevailing feature in the streetscene.

- 9.29 The two-storey aspect of the new building would be set approximately 14m from the closest two-storey flank of No. 30 and approximately 17m from that of No. 28. No. 28 would be set at an angle behind the new building. There are two first floor habitable room windows in No. 30 facing the proposed building however, these are secondary windows serving two bedrooms to the front and rear. Whilst its main entrance is from High Oaks Road, No. 30 has a unique setting in that its main elevation is oriented to the side (south) which also serves as its main private garden area. Whilst a greater separation of at least 15m between the proposed building and No. 30 would be ideal as a rule of thumb to minimise its dominant effect on the living accommodation of No. 30, outlook from those rooms will not be unduly impacted upon as the windows mostly affected are secondary windows. As such, taking into account the above, it is considered that a sufficient amount of space is provided and the proposed building would not appear unduly dominant in relation to the adjoining property.
- 9.30 With regards to overlooking and privacy issue, the two first floor windows facing No. 30, which is the property mainly affected, would be fitted with obscured glass; one serves the bathroom while the other is a second window serving bedroom 1 of the new house. It is considered that the use of obscured glass as proposed and a condition to maintain such, would prevent any direct or perceived overlooking of No. 30. Two windows and a full height folding door are proposed in the ground floor flank facing No.30. The ground floor windows in No. 30 facing the proposed building mainly serve non-habitable rooms. Notwithstanding this, there is a very high hedgerow (Laurel and conifer) along the boundary with No. 30 which further screens the windows and building from the application site.
- 9.31 It should be noted that overlooking from ground floor habitable room windows can be easily controlled by use of screening in the form of close boarded fence and walls, and non-deciduous hedgerow. However, in this particular case, there are no habitable windows in the ground floor of No. 30 High Oaks Road that would be affected as a result. 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 and the land which slopes down towards the dwelling at No.30, any form of boundary screening would need to be higher than the standard 1.8m; a hedgerow of over 4m high is proposed to be retained between the shared boundary with No. 30. This would provide effective privacy screen at ground floor level. A condition to ensure the retention of the hedges is included in this recommendation. There are no habitable windows proposed in the flank facing No. 28 while the rear first floor window of the proposed house would be set at least 23m from the front wall of No 28 sufficient to ensure the property is not unduly overlooked. Also, the orientation/siting of the two properties mitigate any negative impact on privacy/overlooking.
- 9.32 The character and context of the area, in relation to High Oaks Road consists of 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.

- 9.33 The proposed dwelling would be east facing, as a result of its orientation to adjoining properties and space between properties, the proposal would not detrimentally affect the amount of daylight / sunlight currently enjoyed by the occupants of No. 30 which is located south. No. 28 is located northwest of the application site and as 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 south 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.
- 9.34 Turning to the amenity space, the proposed dwelling would host private rear and side gardens giving sufficient private amenity space for the proposed building size and its residential use. Whilst adequate amenity space is proposed in this development, it is considered reasonable to remove permitted development rights, to prevent extensions and outbuildings being erected without further consideration by the Local Planning Authority. Whilst the proposal would reduce the amount of private amenity space for the detached property, No. 28 High Oaks 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.
- 9.35 Whilst some first floor habitable windows of No. 28 would overlook the rear garden area of the proposed house, the design of the new building is such that it affords both side and rear garden area. As such, the side garden is completely screened from those windows as a result of their orientation thereby providing future occupants of the proposed dwelling an adequate level of privacy. There are no first floor habitable windows in the flanks of the proposed house. Also, the gazebo, high brick wall and planting of the Sorbus Commixta Empleys (hedgerow) along the boundary with No. 28 will provide added privacy. As such, it is considered that the residential amenity of the future occupants would not be adversely affected.
- 9.36 Accordingly, the proposal would provide a satisfactory living accommodation for future occupants and would reasonably maintain the residential amenity of existing occupants. The proposal therefore accords with Policy D1 of the Welwyn Hatfield District Plan 2005, the SDG and relevant section of the NPPF.

4. Highway and Parking

- 9.37 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 3 spaces for a 4 bedroom property. The proposal provides 3 off-street parking spaces including garage parking for both existing and proposed dwellings. The provision of three 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.

- 9.38 The Conservation Officer advised that the garage with the width of 3.5m and height of 3m was rather big and sought amendments. The height of the garage has been amended to 2.5m while the width remains 3.5m due to the required 3m minimum width for a garage as set in the Council's Interim Policy for Car Parking Standards and Garage Sizes 2014. The proposal therefore complies with Policy M14.
- 9.39 Policy D5 of the Welwyn Hatfield Plan requires that new development take into account its impact on existing and proposed movement patterns. The proposal includes the establishment of a separate access/drive off High Oaks Road to serve the new house. Hertfordshire County Council has raised no objection to the application based on the impact of the development on High Oaks Road and its surrounding.

5. Other Considerations

i) Landscaping

- 9.40 Soft landscaping is an important feature in the Garden City. Developments must ensure the retention of a large degree of landscaping and vegetation in order to fit in with the ethos of the Welwyn Garden City and importantly, the Conservation Area. As such, any development would have to ensure a minimal loss of vegetation / landscaping for it to be acceptable in this context.
- 9.41 It is noted that at present the boundary benefits from established vegetation, which would be partly lost should a dwelling be constructed. It is therefore considered that replacement landscaping would be important to the success of any development. The proposal requires the removal of 5 trees and section of hedge running along the front. However the proposal looks to take into account the key trees on site which are shown to be retained. The trees to be retained are to be protected throughout the development and the Arboricultural report gives details of the tree protection and working methods to be employed on the site. The Landscaping Officer has advised that the protection measures are considered sufficient and that the removals proposed will not have a significant impact on the landscape.
- 9.42 The submitted plans show much of the existing soft landscaping at the front of the site to be retained, loss of minimal hedgerow along the front boundary to give way for the new entrance (access dropped curb) to the site and minimum amount of hardstanding for turning and parking. Boundary treatment to the front of the site is in the form of a proposed hedgerow. The landscaping officer has raised no fundamental objection to the proposal finding the proposed loss of vegetation as acceptable. The proposal therefore accords with Policies D1, D8 and R17 of the Welwyn Hatfield District Plan 2005.

ii) Conditions

- 9.43 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.

10 Conclusion

- 10.1 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 and the Conservation Area. 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. Additionally soft landscaping is provided which would maintain the ethos of the garden City. Accordingly, the proposed development complies with the relevant policies of the Welwyn Hatfield District Plan 2005, emerging Local Plan policy, 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.

11 Recommendation

- 11.1 It is recommended that planning permission be granted subject to the following conditions:

Pre-Commencement

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 and to preserve and enhance the character of the Welwyn Garden City Conservation Area in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

2. No development shall commence until precise details of the following have been submitted to and approved in writing by the Local Planning Authority:-
 - a) New external doors and frames and new windows which are shown on 1:20 elevations and 1:2 sections (windows must be a flush frame);
 - b) 1:20 elevations and 1:5 sectional details of the dwelling which show the building constructed in Flemish bond brick finish; and
 - c) 1:5 sectional details of the roof eaves, verges, and parapets.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and to preserve and enhance the character of the Welwyn

Garden City Conservation Area in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. A scheme of landscaping is to be submitted and agreed, which shall include details of the following:
 - (a) original levels and proposed finished levels
 - (b) means of enclosure and boundary treatments
 - (c) hard surfacing, other hard landscape features and materials
 - (e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
 - (f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies D1, D8 and R17 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

4. No works or development shall take place before a scheme for the protection of the existing trees (other than those the removal of which has been granted express permission in writing by the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority. Such a scheme will comply with the provisions of BS5837 ("Trees in relation to construction – 2012") and BS 3998 ("Recommendations for tree works – 2010"). The approved scheme for the protection of the existing trees shall be implemented before development commences and be maintained in full until the development has been completed.

REASON: To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired. To comply Policies D1, D8 and R17 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

5. 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.

Pre-occupation

6. Before the first occupation of the development the access roads and parking areas shown on the approved plans shall be completed and thereafter permanently retained for parking and manoeuvring purposes.

REASON: So that the number of places on the highway where turning movements can occur are kept to a minimum, with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians including people with disabilities. To comply with Policy M14 of the Welwyn Hatfield District Plan 2005.

Post Development

7. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling hereby permitted, including any additions or alterations to the roof and no new building or enclosure shall be constructed within the application site (no development within Classes A, B, D and E), without the prior written approval of the Local Planning Authority.

REASON: To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers. To comply with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no installation or alteration of solar equipment on the dwelling hereby permitted, (no development within Part 14, Classes A) without the prior written approval of the Local Planning Authority.

REASON: To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers. To comply with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

10. The proposed windows in the first floor elevations facing Nos. 28 and 30 High Oaks Road shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

REASON: To satisfactorily protect the residential amenities of nearby occupiers. To comply with Policy D1 of the Welwyn Hatfield District Plan 2005.

11. The existing hedgerow along the boundary of the development hereby approved shall be retained and maintained at the current height and shall not be removed unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure the residential amenity of neighbouring properties, the character and amenity of the area are not impaired. To comply with Policy D8 of the Welwyn Hatfield District 2015.

DRAWING NUMBERS

12. 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
5290 200G	G	Proposed Floor Plans & Elevations	31 August 2017
5290 03		Proposed Loggia Plans & Elevations	9 February 2017
5290 201F	F	Block Plan & Street elevation	31 August 2017
528.15.4A		Planting Plan	9 February 2017

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).

Informatives:

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

override any private covenants which may affect the land.

2. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Lorraine Davis 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
3. Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
4. The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834> . Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 357000.
5. Noise control
 1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of:

8.00am and 6.00pm on Mondays to Fridays
8.00am and 1.00pm Saturdays and at no time on Sundays and Bank Holidays
 2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
 3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions
 4. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
 5. All machines in intermittent use shall be shut down during intervening periods between works, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.

6. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
7. All pile driving shall be carried out by a recognised noise reducing system.
8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
10. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub-contractors.
11. Any emergency deviation from these conditions shall be notified to the Council without delay
12. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.
13. Permissible noise levels are not specified at this stage.

Dust control

1. All efforts shall be made to reduce dust generation to a minimum
 - .
 2. Stock piles of materials for use on the site or disposal that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.
6. If at any time during the course of construction of the development hereby approved, a species of animal that is protected under Schedule 1* or 5** of the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats) Regulations 1994*** or the Protection of Badgers Act 1992 is discovered, all construction or other site work affecting the species shall cease until a suitable mitigation scheme has been submitted to and approved in writing by the Local Planning Authority and a license has been obtained from DEFRA (Department for Environment, Food and Rural Affairs).

* Includes nesting birds

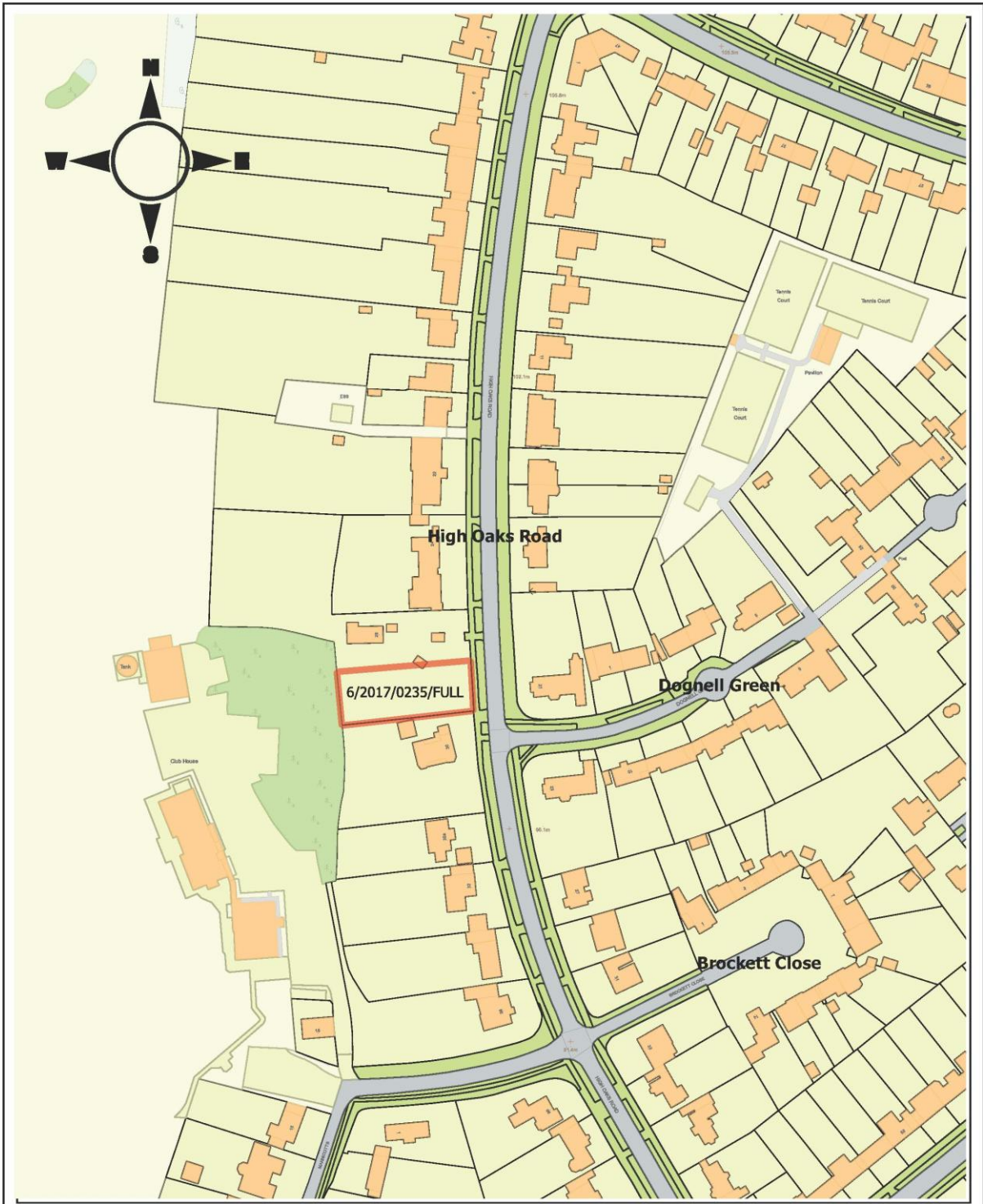
** Includes great crested newts, bats, reptiles and water voles

*** Includes great crested newts and bats.

Raphael Adenegan (Public Protection, Planning and Governance)

Date 12th October 2017

Expiry date 13th October 2017



Council Offices, The Campus
Welwyn Garden City, Herts, AL8 6AE

Title:

28 High Oaks Road, Welwyn Garden City

Scale:

DNS

Date:

2017

Project:

DMC Committee

Drawing Number:

6/2017/0235/FULL

Drawn:

Emma Graham

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