

Part I

Item No:

Executive Member: Councillor Perkins

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 3 MARCH 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2015/2127/FULL

33 UPLAND DRIVE, BROOKMANS PARK, HATFIELD, AL9 6PT

DEMOLITION OF EXISTING DWELLING AND ERECTION OF 2NO. 5 BEDROOM
DETACHED DWELLINGS

APPLICANT: McGrath Development & Construction Ltd

(Brookmans Park and Little Heath)

1. Site Description

- 1.1 The application site is located to the north east of the built up area of Brookmans Park. The site is located within a residential area and consists of a detached, two storey, house constructed of facing red brickwork and render under a pitched roof.
- 1.2 The immediate streetscene is comprised of detached two storey houses, though there are examples of single storey dwellings within the wider surrounding area. Surrounding properties are constructed in a variety of architectural styles using a diverse range of materials. Facing the site, to the east, lies the A1000 and beyond that is largely open space which forms part of the Metropolitan Green Belt.

2. The Proposal

- 2.1 This application seeks planning permission for the construction of 2no. five bedroom detached dwellings following demolition of the existing house.
- 2.2 Each property would have a maximum height of approximately 9m, a width of 8.3m and a maximum depth of approximately 19m. It is proposed that houses would be constructed of buff facing brickwork, stone framing and dark grey aluminium window frames under a pitched natural slate roof.

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 proposal.

4. Relevant Planning History

- 4.1 S6/2000/0160/FP - Erection of two storey and single storey side extensions to form residential annex. Granted
- 4.2 S6/1988/0852/FP - Single storey and two storey front, two storey side and single storey rear extensions. Granted
- 4.3 S6/1988/0823/FP - Two storey side and front, and single storey side extensions. Granted

5. Planning Policy

- 5.1 National Planning Policy Framework (NPPF) March 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 settlement boundary for Brookmans Park as designated in the Welwyn Hatfield District Plan 2005.

7. Representations Received

- 7.1 The application was advertised by means of neighbour notification letters. Three objections have been received from addresses in Upland Drive. Comments are summarised as.
 - Impact upon the existing drainage system.
 - Increased pressure for on-street parking.
 - Insufficient parking provision.
 - Harm to the character of the area.
 - Inappropriate design.
 - Detrimental impact on neighbouring amenity, in terms of overbearing, loss of light and loss of privacy.
 - Overdevelopment of the plot.
 - Harm to vegetation.
- 7.2 The above objections also have regard to the legal right to use land outside of the applicant's ownership to commence development and damage to the road surface and vegetation outside of the application site. These do not form material planning considerations and so carry no weight in the determination of this application.

7.3 Upland Drive Road Committee has also objected to the proposal. Objections to the scheme are summarised as:

- Overdevelopment of the plot.
- Scale incongruous with surrounding units.
- Disruption of a building line.
- Harm to neighbouring units in terms of loss of light, overbearing and overlooking.
- Harm to existing drainage system.
- Pressure for on-street parking restricting refuse collection.

7.4 Comments from the Road Committee also include concerns that construction traffic will damage the private road. This, however, does not form a material planning consideration and so carries no weight in the determination of this application.

8. Consultations Received

8.1 Hertfordshire County Council Transport, Programmes and Strategy, Thames Water and Welwyn Hatfield Client Services – No objections.

9. Parish Council Representations

9.1 *“North Mymms Parish Council objects on the grounds that the proposed dwellings are higher than the adjacent property, the size layout and density is excessive, design appearance materials used are inappropriate and out of character with the street scene, inadequate parking for the size of dwelling on a narrow street.”*

10 Analysis

10.1 The main planning issues with this application are:

- 1. Principle of development (SD1, R1, H1, H2, GBSP1, GBSP2, National Planning Policy Framework (NPPF))**
- 2. The quality of the design and the impact on the character and appearance of the area (D1, D2, SDG & NPPF)**
- 3. The potential impact on the residential amenity of adjoining neighbours (D1, R19, SDG and NPPF)**
- 4. Other Material Planning Considerations**
 - i) Highway and Parking (M14 and SPG)**
 - ii) Refuse and Recycling Storage (D1, IM2 & M4)**
- 5. Other Matters**

1. Principle of development

10.2 The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that has been previously developed. Local Plan Policy R1 which requires development to take place on previously

used or developed land is consistent with the NPPF. Furthermore, policies GBSP1 and GBSP2 direct new development towards existing towns and settlements.

- 10.3 The site is not an allocated housing site and so is considered to be a 'windfall site' and Policy H2 applies. Policy H2 relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential 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 The application site is situated within the existing settlement of Brookmans Park as outlined in the Welwyn Hatfield District Plan 2005. This site has previously been developed, in accordance with policy R1, and currently comprises a detached, two storey, dwelling. Additionally, as the application site is located within the settlement of Brookmans Park the infrastructure has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site. Furthermore, there are no known physical or environmental constraints at this site.
- 10.5 Taking all of the above into account, the proposal would be located within a sustainable location, in accordance with policy SD1. The development would also not contravene the Council's settlement strategy, in accordance with policies H1, H2, GBSP1 and GBSP2. As such, there is no objection to the principle of development in purely land use terms.

2. The quality of the design and the impact on the character and appearance of the area

- 10.6 Local Plan Policies D1 (Quality of Design), D2 (Character and Context) and GBSP2 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 giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing buildings and surrounding area. In addition, Chapter 7 of the National Planning Policy Framework (NPPF) emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

- 10.7 The application site consists of a detached, two storey, dwelling with a maximum height of approximately 7m. At present, there is a gap of approximately 6.3m between the two storey north western elevation of the existing unit and the adjacent north western boundary of the application site. There is a gap of approximately 3.6m between the south eastern elevation of the existing unit and the adjacent south eastern boundary of the application site. The existing unit is set back from Upland Drive by approximately 12.5m and units immediately adjacent to No. 33 Upland Drive are similar in overall scale to the unit at the application site (No. 32 Upland Drive has a maximum height of approximately 7.9m and No. 34 Upland Drive has a maximum height of approximately 6.7m).
- 10.8 The proposed units would have a maximum height of approximately 9m and would leave a gap of approximately 2.4m between the proposed units. There would be a gap of approximately 1.2m between proposed built form and the north western boundary of the application site and a gap of approximately 1m between built form and the south eastern boundary of the application site. Proposed units would be a minimum of approximately 10m from Upland Drive.
- 10.9 Though the development would reduce the spacing currently found about the existing dwelling, it is considered that the overall bulk and mass of the units, which would have a gable fronted design which helps reduce the bulk and mass of proposed units, would be, on balance, acceptable. As such, sufficient space would be left about the dwellings so that the proposed units would not appear cramped upon their plots, respecting the spacious character of the area.
- 10.10 It is acknowledged that the overall scale of the proposed units would be greater than the existing dwelling by approximately 2m and greater than adjacent units by a maximum of approximately 2.6m. However, it is considered that, given the proposed units would still be set back from Uplands Drive by approximately 10m and the bulk and mass of the units would be, on balance, acceptable, the development would not result in a visually dominant feature within Upland Drive.
- 10.11 In respect of the design and appearance of the proposed units, it is not considered that two contemporary, detached, gable fronted units would significantly disrupt the harmony of the eclectic streetscene. It is, however, considered reasonable to impose a condition requesting samples of materials to be used for the construction of the units to be submitted to ensure that the build of the proposed development is of a high standard of design.
- 10.12 On discussion with Welwyn Hatfield Landscape and Ecology, it is not considered that the proposed development would result in harm to vegetation that is of significant amenity value to protect. It is, however, considered reasonable to impose a condition requesting a Landscaping Plan to be submitted prior to the development commencing. This would ensure that the impact of built form is appropriately softened and that boundary treatments and materials for hardsurfacing are appropriate, in accordance with policy D8.

- 10.13 It is also noted that concerns have been raised regarding the development disrupting the existing building line displayed by properties within Upland Drive. The proposed units would not project significantly beyond the principal elevations of either adjacent units and there is no established uniform building line within Upland Drive. On this basis, it is not considered that the development would disrupt the spatial pattern of existing development in this regard.
- 10.14 Having regard to all of the above, it is considered that the proposal, on balance and subject to the imposition of relevant conditions, would be visually acceptable and satisfactory in design. The development therefore complies with saved policies D1, D2 and D8 of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guide and Section 7 of the NPPF.

3. The potential impact on the residential amenity of adjoining neighbours

- 10.15 Policy D1 and the Supplementary Design Guidance aims to preserve neighbouring amenity. In addition, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.
- 10.16 The proposed unit towards the north western boundary of the site would project approximately 1m beyond the principal elevation of No. 34 Upland Drive and would extend, at two storey level, approximately 3.5m beyond the rear elevation of this neighbouring dwelling. There is a further single storey element that would extend a further 4m beyond this. However, this element is stepped away from this neighbouring unit and would be approximately 3.4m away from the shared north western neighbouring boundary. At its closest point, the proposed unit would be positioned approximately 2.7m away from No. 34 Upland Drive.
- 10.17 Taking the above into account, though the proposed unit towards the north of the site may be visible from the rear amenity space which benefits No. 34 Upland Drive, the build, form and positioning of this proposed dwelling would not result in significant harm to the living conditions of the occupiers of this neighbouring unit, in terms of overbearing and loss of light. Furthermore, there are no habitable room windows within the side elevations of proposed units and proposed first floor rear windows would not afford direct views of the primary private amenity space which benefits No. 34 Upland Drive. As such, the privacy of this neighbouring unit would be preserved.
- 10.18 Turning to the potential impacts upon No. 32 Upland Drive, the proposed unit towards the south of the application site would project approximately 0.6m beyond the principal elevation of this neighbouring unit. This proposed unit would also extend, at two storey level, approximately 3.5m beyond the rear elevation of No. 32 Upland Drive and a single storey element would extend approximately 4m beyond this. This single storey element, however, would be

stepped away by approximately 3m from the shared south eastern boundary of the application site. At its closest point, the proposed unit to the south of the site would be approximately 3m away from the rear elevation of this neighbouring unit.

- 10.19 Taking the above into account, though the proposed unit towards the south of the site may be visible from the rear amenity space which benefits No. 32 Upland Drive, the build, form and positioning of this proposed dwelling would not result in significant harm to the living conditions of the occupiers of this neighbouring unit, in terms of overbearing and loss of light. Furthermore, there are no habitable room windows within the side elevations of proposed units and proposed first floor rear windows would not afford direct views of the primary private amenity space which benefits No. 32 Upland Drive. As such, the privacy of this neighbouring unit would be preserved.
- 10.20 With regard to the amenity the development would provide for future occupiers of the proposed dwellings, the dwellings are of a high standard of design and would each provide in excess of 220m² of usable amenity space for future occupiers. Having regard to this, and to the relationship the proposed units would have with existing neighbouring properties and one another, it is considered that the units would provide acceptable living conditions for future occupiers.
- 10.21 With regards to all of the above, it is not considered that the proposed units would result in significant harm to the living conditions of the occupiers of adjacent neighbouring dwellings and would provide adequate amenity for future occupiers of the proposed dwellings. The proposal therefore complies with saved policy D1, the Supplementary Design Guidance and the relevant paragraphs of the NPPF.
- 10.22 It is, however, considered reasonable to remove permitted development rights for Class B (additions to the roof of the proposed dwellinghouses) to ensure that there is no direct or perceived overlooking of adjacent neighbouring properties. Furthermore, it is considered reasonable to impose a condition ensuring that the flat roof areas above the proposed single storey rear elements are not used as balconies or sitting out areas, in the interests the privacy of the occupiers of proposed units and surrounding neighbouring dwellings.

4. Other Material Planning Considerations

- 10.23 *i) Highway and Parking (M14 and SPG)*
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.

- 10.24 In accordance with the adopted parking guidance, the proposal should afford a maximum of six off road parking spaces. Each of the proposed units would benefit from three off road parking spaces. Furthermore, the materials for the proposed parking/manoeuvring areas would be adequately managed through the imposition of the above mentioned landscaping condition to ensure no materials were carried onto the adjacent highway by vehicles. Additionally, there is space to the rear of each dwelling which would provide for secure cycle storage. As such, it is considered that the proposed development is acceptable in terms of parking provision.
- 10.25 Turning to highway safety, the proposed development would utilise the existing accesses to the site and site arrangements would enable vehicles to turn within the site and enter using a forward gear. Furthermore, there are no records of collision/injury accidents along the length of Upland Drive and it is considered that any increased vehicular movements as a result of the proposal could be accommodated onto the existing highways network. Taking this into account, and as Hertfordshire County Council, Transport, Programmes and Strategy are not opposed to the development, the proposal is considered acceptable in terms of highway safety.
- 10.26 *ii) Refuse and Recycling Storage (D1, IM2 & M4)*
The Council has adopted a Supplementary Planning Document 'Planning Obligations' which may require a development to provide financial contributions for new bins and recycling facilities. Welwyn Hatfield Borough Council Client Services have been consulted and have raised no objection to the proposal and have not requested a financial contribution. On this basis, it is considered that the refuse and recycling for the proposed units can be incorporated into the existing service and the proposal, therefore, complies with local planning policy D1 in this regard.

5. Other Matters

- 10.27 Drainage
It is noted that concerns have been raised with regards to impact of the proposal upon the existing drainage system at the site. Thames Water have been consulted and consider that, with regards to the sewerage infrastructure capacity, the proposal would be acceptable.
- 10.28 It is, however, noted that there are public sewers close to the proposed development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Though Thames Water have commented that they would usually refuse such approval in respect of the construction of new buildings, it is not reasonable to refuse planning permission on these grounds as this is not a material planning

consideration. Instead, an informative drawing the applicants attention to this matter will be imposed.

11. Conclusion

- 11.1 The proposal would be located within a sustainable location, in accordance with policy SD1. The development would also not contravene the Council's settlement strategy, in accordance with policies H1, H2, GBSP1 and GBSP2. As such, there is no objection to the principle of development in purely land use terms.
- 11.2 The impacts of the proposal have been considered on the visual amenity of the area, on the amenity of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with relevant policies within the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guide and with relevant provisions of the NPPF.

12. Recommendation

- 12.1 It is recommended that planning permission be approved subject to the following conditions:
1. Development in accordance with approved plans and details: 5715/P/001 & 5715/P/100 & 5715/P/101 & 5715/P/110 & 5715/P/111 & 5715/P/120 & 5715/P/121 & 5715/P/121 received and dated 14 October 2015.
 2. Samples of materials
 3. No development shall take place until further 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. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out as approved. The landscaping details to be submitted shall include:-
 - a) planting plans, including specifications of species, sizes, planting centres, number and percentage mix for the front garden area;
 - b) a copy of the suggested maintenance program for vegetation to be issued to future residents
 - c) means of enclosure and boundary treatments;
 - d) existing and proposed finished levels and finished floor levels of the dwelling;
 - e) details for all hard surfacing

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area, to reduce the visual and environmental impacts of the development hereby permitted and to ensure

that the proposal is acceptable in terms of highway safety in accordance with Policies D1 and D8 of the Welwyn Hatfield District Plan 2005.

4. All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five 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, unless the Local Planning Authority gives written approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy D8 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 Class B of Part 1 of Schedule 2 of that Order shall take place, unless permission is granted on an application made to the Local Planning Authority.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of protecting the living conditions of the occupiers of neighbouring properties in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

6. The flat roofs above the single storey rear elements hereby approved on each unit shall not be used as a balcony or sitting out area.

REASON: To protect the living conditions of adjacent occupiers and occupiers of approved units in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

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 inspected at these offices).

INFORMATIVES:

1. Road deposits. Best practical means should be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry

or other debris on the highway. This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

2. The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website

<http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

3. The development will involve the numbering of properties and naming new streets. The applicant MUST contact WHBC Transportation (Cathy Wilkins 01707 357558 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.

4. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, should 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

5. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, should 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

6. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum should be employed at all times

7. All plant and machinery in use should be properly silenced and maintained in accordance with the manufacturers' instructions

8. All compressors should be sound reduced models, fitted with properly lined and sealed acoustic covers, which should be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools should be fitted with mufflers or silencers of the type recommended by the manufactures.

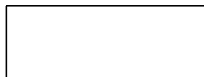
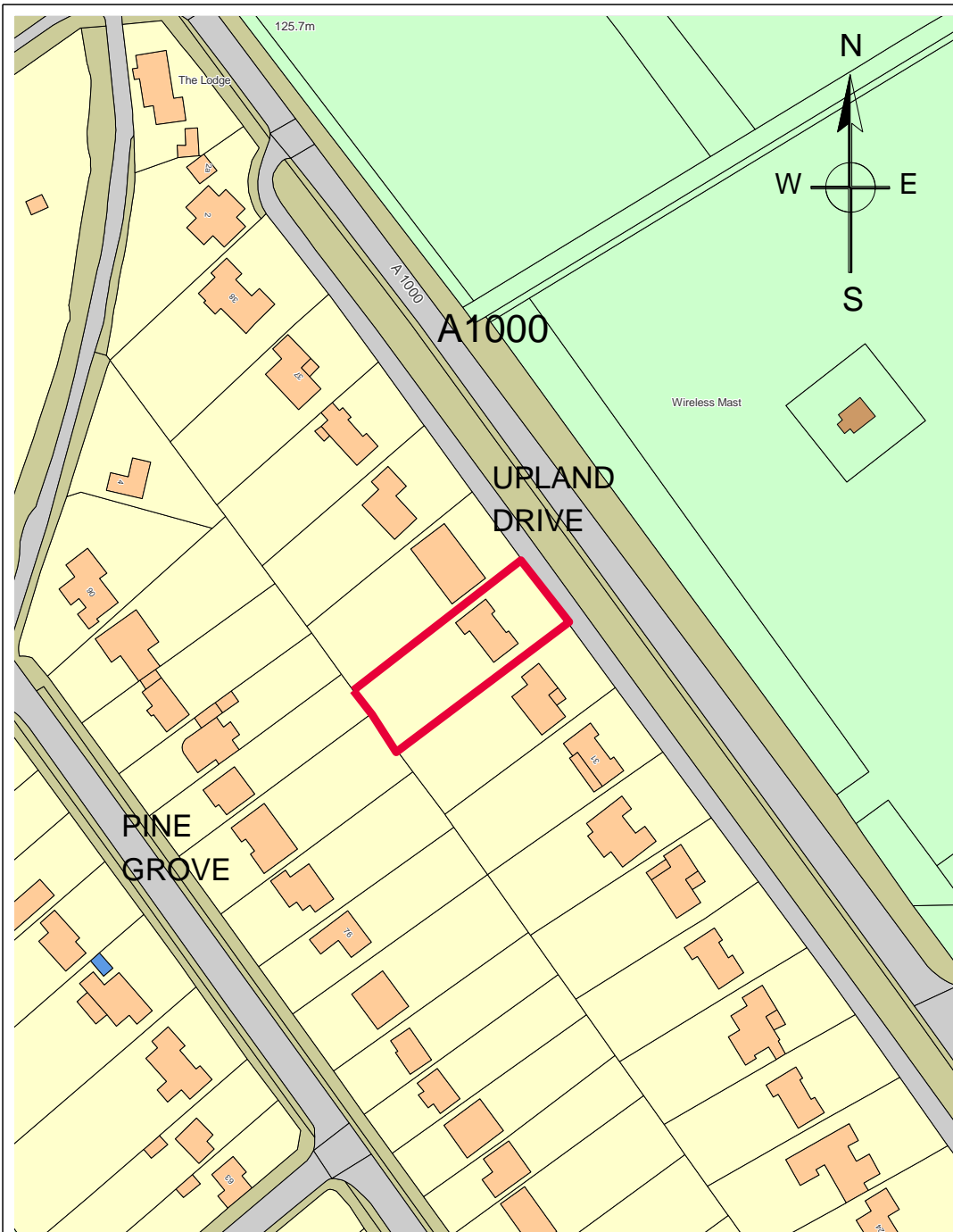
9. All machines in intermittent use should be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, should be housed in suitable acoustic enclosures.

10. Items of plant and equipment should be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.

11. All pile driving should be carried out by a recognised noise reducing system.
12. Where practical, rotary drills and bursters, actuated by hydraulic or electric power should be used for excavating hard material
13. In general, equipment for breaking concrete and the like, should be hydraulically actuated.
14. '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.
15. Any emergency deviation from these conditions should be notified to the Council without delay
16. Any planned deviations from these conditions for special technical reasons, should be negotiated with Council at least 14 days prior to the commencement of the specific work.
17. Permissible noise levels are not specified at this stage.
18. All efforts should be made to reduce dust generation to a minimum
19. Stock piles of materials for use on the site or disposal, that are likely to generate dust, should 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.
20. Water sprays should be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
21. Approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.

Matthew Heron, (Strategy and Development)
Date 09/02/2016

Expiry Date: 04/03/2016



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

Title:

33 Upland Drive, Brookmans Park

Scale: DNS

Date: 2016

Project:

DMC Meeting

Drawing Number:

6/2015/2127/FULL

Drawn:

Andrew Windscheffel

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