

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2019  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2018/2319/FULL

13 THE GARDENS, BROOKMANS PARK, HATFIELD, AL9 7UL

ERECTION OF PART SINGLE/PART TWO STOREY SIDE AND REAR EXTENSION  
TO CREATE A NEW SELF-CONTAINED 3-BED DWELLING, AND CONSTRUCTION  
OF A REAR DORMER WINDOW TO EXISTING DWELLING

APPLICANT: Mr & Mrs Leigh

(Brookmans Park & Little Heath)

**1 Site Description**

- 1.1 The application site comprises a wide two storey detached dwelling which is located on the junction of The Gardens and Oaklands Avenue. The house fronts onto Oaklands Avenue and has a rectangular garden to the side. Both Oaklands Avenue and The Gardens have a strong residential character.
- 1.2 Whilst different in terms of its style and orientation to the majority of properties in the area, the application property still fits with the general character of the area which is that of low density residential housing.

**2 The Proposal**

- 2.1 Planning permission is sought for the erection of a part single/part two storey side and rear extension to create a self-contained 3-bed dwelling and construction of a rear dormer window to the existing dwelling.
- 2.2 This application is very similar to that granted planning permission at this property under delegated authority on 23 May 2018 for:  
  
*'Erection of a two storey side and rear extension to create a self-contained 3-bed maisonette, roof alterations and the construction of a rear dormer window to facilitate conversion of loft to habitable space'* (Planning reference: 6/2018/0645/FULL).
- 2.3 The only differences between the proposed development and that granted are that this proposal includes a 1.2m deep single storey extension with mono-pitch roof to the front of the previously consented two storey side extension, and the change of a rear ground floor window from sliding doors to a window – and vice-versa to the ground floor front elevation.

### **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because North Mymms Parish Council have responded with a major objection.

### **4 Relevant Planning History**

- 4.1 Application number: 6/2018/0645/FULL  
Decision: Granted  
Decision date: 23 May 2018  
Proposal: Erection of a two storey side and rear extension to create a self-contained 3-bed maisonette, roof alterations and the construction of a rear dormer window to facilitate conversion of loft to habitable space
- 4.2 Application Number: 6/2017/2687/FULL  
Decision: Refused  
Decision Date: 19 January 2018  
Proposal: Erection of a two storey side and rear extension to create a self-contained 4-bed maisonette and the installation of 1 side and 1 rear dormer window to facilitate loft conversion to habitable space
- 4.3 Application Number: 6/2017/1676/FULL  
Decision: Granted  
Decision Date: 25 September 2017  
Proposal: Erection of two storey front and side extension, installation of dormer window to facilitate conversion of loft to habitable space and erection of two storey rear extension to create self-contained 2 bed maisonette
- 4.4 Application Number: 6/2017/1673/LAWP  
Decision: Granted  
Decision date: 27 September 2017  
Proposal: Certificate of lawfulness for the erection of detached single storey garden building
- 4.5 Application Number: 6/2017/0774/HOUSE  
Decision: Granted  
Decision Date: 15 June 2017  
Proposal: Erection of a two storey front extension, part single/part two storey side extension, rear dormer, 2no roof lights, alterations to roof and alterations to openings
- 4.6 Application Number: S6/2015/1258/FP  
Decision: Refused  
Decision Date: 09 February 2016  
Proposal: Demolition of existing dwelling and garage and creation of new residential development consisting of 4no self-contained maisonettes
- 4.7 Application Number: S6/2015/0065/FP  
Decision: Refused  
Decision Date: 21 May 2015  
Proposal: Demolition of existing dwelling and garage and creation of new residential development consisting of 4 no. self-contained maisonettes

- 4.8 Application Number: S6/2010/3129/FP  
Decision: Granted  
Decision Date: 02 February 2011  
Proposal: Retention of one vehicular crossover (The Gardens) and reduce height of existing walls to 1 metre
- 4.9 Application Number: S6/2010/2048/FP  
Decision: Refused  
Decision Date: 12 November 2010  
Proposal: Retention of two vehicular crossovers, additional hardstanding and brick wall to boundary
- 4.10 Application Number: S6/2008/0660/FP  
Decision: Refused  
Decision Date: 28 May 2008  
Proposal: Demolition of existing dwelling and garage. Erection of four 2 bedroom apartments following refusal of previous application S6/2007/1337/FP
- 4.11 Application Number: S6/2007/1337/FP  
Decision: Refused  
Decision Date: 07 November 2007  
Proposal: Erection of building consisting of four flats & erection of new outbuilding for use as storage, following demolition of existing dwelling & outbuilding
- 4.12 Application Number: E6/1972/4321/  
Decision: Granted  
Decision Date: 10 October 1972  
Proposal: Two storey rear extension
- 4.13 Application Number: E6/1972/0805/  
Decision: Granted  
Decision Date: 11 May 1972  
Proposal: Ground floor rear extension
- 4.14 Application Number: E6/1957/0252/  
Decision: Granted  
Decision Date: 26 March 1957  
Proposal: Proposed house
- 4.15 Application Number: E6/1957/0036/  
Decision: Granted  
Decision Date: 24 January 1957  
Proposal: Erection of detached dwelling house and garage

## **5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework 2018 (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (Local Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan 2016)
- 5.4 Supplementary Design Guidance 2005 (SDG)

- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

## **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 neighbour notification letters. No neighbour representations have been received.

## **8 Parish Council Representations**

- 8.1 North Mymms Parish Council present a major objection to the proposal, stated as follows:

This war of attrition to obtain flats on the site by the applicant does not mean that this proposal, whilst building on previous applications is appropriate. The building would be over-dominant in the street scene and should be refused, as the nibbling approach to planning is detrimental to the location. There would be a loss of amenity space to fit in the car parking to the rear.

## **9 Consultations received**

- 9.1 Hertfordshire County Council (Highways Authority) – No objection

## **10 Analysis**

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

- 1. Principle of development**
- 2. Quality of design and impact on the character and appearance of the area**
- 3. Impact on the living conditions of neighbouring occupiers and future occupiers**
- 4. Highways and parking provision**
- 5. Other considerations:**
  - i) Permitted development rights**

### **1. Principle of Development**

- 10.2 The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should encourage the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value.
- 10.3 Policy GBSP2 directs new development into the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries.

- 10.4 This application proposes extensions to the existing dwelling and subsequent sub-division into two dwellings. Gardens are not classed as previously developed land, having lower priority for development, but that does not mean they cannot be built on in any circumstances. Although gardens are not a priority for development, the need to make efficient use of urban land remains a policy objective. The application site is not allocated in the Local Plan as a designated housing site so comes forward as a windfall site. Local Plan 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.
- 10.5 Policy SADM1 of the Emerging Local Plan is also relevant in regards to windfall housing development. This policy is similar to Policy H2 of the Local Plan but adds that the proposal should not undermine the delivery of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.
- 10.6 The application site is previously developed and located within an established settlement there are some transport links and a provision and shops and services within the village. Although the site is not within one of the very accessible parts of the Borough, in principle the location is considered to be acceptable for some forms of windfall development. The proposal would not result in a significant impact or demand to existing infrastructure or have an adverse impact on the existing community. It has been established within this report that the site would be of suitable size to serve two dwellings in the proposed manner and no environmental constraints are present. Furthermore, the proposal would not undermine the delivery of allocated sites or the overall strategy of the Emerging Local Plan, nor result in disproportionate growth of the settlement.
- 10.7 The proposed application site would therefore meet the requirements of the above policy, and therefore is acceptable in principle for new residential development.

## **2. Quality of design and impact on the character and appearance of the area**

- 10.8 Local Plan Policies D1 and D2 require the standard of design in all new development to be of a high quality and that all new development respects and relates to the character and context of the area in which it is proposed. These policies are expanded upon in the Council's SDG and are consistent with Policy SP9 of the Emerging Local Plan. Furthermore, Policy GBSP2 of the Local Plan

requires that 'within specified settlements' development will be limited to that which is compatible with the maintenance and enhancement of their character.

- 10.9 The NPPF places a clear emphasis on high quality design and states in paragraph 130 that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way in functions, taking into account any local design standards or style guides in plans or supplementary planning documents. As such, there is also consistency between the Council's Saved and Emerging Local Plan with the NPPF.
- 10.10 Of material consideration to the assessment of this application is the recent grant of planning permission on this site for the '*Erection of a two storey side and rear extension to create a self-contained 3-bed maisonette, roof alterations and the construction of a rear dormer window to facilitate conversion of loft to habitable space*' (Planning reference: 6/2018/0645). As explained in paragraph 2.2, the proposal development is very similar to that approved under the aforementioned reference at this property. The inclusion of a modest single storey mono-pitch extension beyond that already approved and change of ground floor openings would not detract from the design of the approved dwelling; neither would these minor alterations amount to an over-dominant development on the site or have any material impact on the character of the area.
- 10.11 Policy D8 of the District Plan states that all developments, other than changes of use of buildings, should include landscaping as an integral part of the overall design. This approach is reflected in Policy SADM16 of the Emerging Local Plan. In this case precise details of both soft and hard landscaping can be suitably secured through a planning condition in the interest of visual amenity.
- 10.12 Subject to details of external materials and landscaping being agreed by condition, it is therefore considered that the proposed external extensions and alterations to the dwelling would still respect and relate to the character of the existing area and the host dwelling, representing an acceptable standard of design in accordance with the above policies.

### **3. Living conditions of future occupiers and neighbouring residents**

- 10.13 Policy D1 of the Local Plan requires the standard of design in all new development to be of a high quality. This is expanded upon in the Council's SDG which sets out the guidelines with regard to residential development for the provision of adequate amenity for future occupants and the protection of neighbouring residential amenity. This approach is reflected in Policy SADM11 of the Emerging Local Plan. Also, the NPPF advocates high quality design and outlines that planning decisions should create a high standard of amenity for existing and future occupiers.

#### *Living conditions of neighbouring residents*

- 10.14 The neighbours likely to be impacted from the proposal include No. 11 The Gardens and No. 15 The Gardens. All other neighbouring properties are sufficiently separated so as to be unaffected by the proposal in amenity terms.

## *11 The Gardens*

- 10.15 The rear wall of this adjacent property is approximately 0.7 metres behind the rear wall of the subject dwelling. The proposed part single/part two storey rear extension would project 3 metres in depth. The single storey element would be set in 1 metre from the common boundary and feature a mono-pitch roof whilst the two storey element would be set in 4.4 metres from the common boundary and feature a gable roof. These extensions form part of the extant permission which can be implemented. Having regard to the scale, location and separation distances between the proposed extension and No. 11, it is not considered that the proposed development would be unduly dominant or result in any adverse loss of light.
- 10.16 In terms of privacy, 2no first floor side windows (serving en-suites) and 2no roof-lights (serving a bedroom) would face the flank wall and rear garden of this adjacent property. There is no change from the extant permission in this respect. It is considered necessary and reasonable for all of the above windows, by virtue of their positioning and rooms served, to be to be glazed in obscure glass and have a restricted level of opening in order to ensure existing level of privacy are not harmed. This can be re-imposed through a planning condition.

## *15 The Gardens*

- 10.17 The application site and No. 15 are separated by the public highway of Oaklands Avenue. The separation distance from boundary to boundary would be approximately 11 metres. The two storey side extension sought in this application forms part of the extant permission which can be implemented. The addition of the proposed single storey extension taken together with extensions approved in the extant permission, would not be unduly dominant or result in loss of light, as a result of length of projection, width, height and proximity to the common boundary.
- 10.18 In terms of privacy, 1 first floor flank window (serving a bathroom) would face this adjacent property. There is no change from the extant permission in this respect. Notwithstanding the separation distance between these windows and the flank wall/private rear garden of No. 11, It is considered necessary and reasonable for this window, given its positioning and use, to be to be glazed in obscure glass and have a restricted level of opening in order to ensure existing level of privacy are not harmed. This can be re-imposed through a planning condition.
- 10.19 North Mymms Parish Council have raised concerns regarding the loss of amenity space. The application plot is wider and larger in size than many other residential properties in the surrounding area. Whilst this plot would be sub-divided in two, it is considered that the resultant garden spaces would be functional and useable relative to each respective dwelling considering orientation, width, depth and shape.
- 10.20 The size of both dwellings and the floor-space of bedrooms would also accord with the Nationally Described Space Standards (Space Standards).
- 10.21 A condition securing the erection of boundary fencing between this retained property and the proposed property will protect privacy and enable seclusion for future residents.
- 10.22 Concluding in this respect, it is considered that the development proposal would protect the living conditions of neighbouring residents and provide acceptable

living conditions for future occupiers of the two dwellings in accordance with the above policies.

#### **4. Highways and parking provision**

- 10.23 Paragraph 105 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 need to ensure an adequate provision of spaces for charging plug-in and other ultra-low 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 The existing plot serves a 5-bed dwelling. Under this application, the dwelling would be enlarged and sub-divided to form a 3-bed dwelling and 4-bed dwelling. Against the Council's SPG, a 3-bed dwelling in this location should be accommodated by 2.25 spaces, and a 4-bed dwelling by 3 spaces.
- 10.25 Drawing number: 0690/PL101Y illustrates and annotates how each dwelling will be sub-divided with the existing plot, including associated off-street car parking.
- 10.26 To the rear part of the site is an existing detached garage with access afforded via a dropped kerb off Oaklands Avenue. The internal dimensions of this garage is large enough to accommodate a small vehicle. This existing access would be widened to facilitate the parking of cars associated with the proposed 3-bed dwelling. This area could realistically accommodate the parking of up to 3 cars (including garage space) which accords with the Council's SPG and Highways present no objection to the widening of this access subject to the access according with dropped kerb guidance. This can be secured through a suitably worded planning condition.
- 10.27 An outbuilding, granted a Lawful Development Certificate under ref: 6/2017/1673/LAWP, has been constructed to the rear part of the existing garden. This outbuilding would be internally subdivided to accommodate a parking space for the proposed 3-bed dwelling and as a garden building for the retained 4-bed dwelling. There is no objection to the altered arrangement.
- 10.28 The retained, now 4-bed dwelling, would have provision for the parking of 2 cars in the front driveway fronting The Gardens. Whilst this would represent a shortfall of 1 space below the Council's SPG, the site has opportunities for sustainable travel available within accessible distances. A resident permit scheme exists along The Gardens, however this only operates between 10am-11am on Mondays to Fridays. Moreover, there is no substantive evidence of car parking pressures in this area. Therefore, even if some additional on-street parking was to occur, it is likely that it could be adequately absorbed along the street without any harmful congestion of the highway network. Furthermore, the Highway Authority has not objected to the proposed development. For these reasons, it is considered that there would still be an adequate level of parking provision for the retained dwelling and no material harm would be caused to highway safety.

10.29 Concluding in this respect, it is considered that the proposed development broadly accords with Policy M14 of the Local Plan, SP4 and SADM2 of the Emerging Local Plan, the Council's SPG and Interim Parking Policy, and the requirements of the NPPF.

## **5. Other considerations**

### *i) Permitted development rights*

10.30 The two dwellings would benefit from permitted development rights. The proposed development has been carefully designed to be in keeping with the character and context of the area and ensure that the living conditions of neighbouring and future occupiers would not be harmed. The resultant built development would also remain commensurate to the plot.

10.31 Certain future extensions under permitted development would likely cause harm in the above respects. In the interest of maintaining high quality design, it is considered necessary and reasonable for permitted development extension/alterations/enlargements under Classes A and B for new dwellings to be revoked.

10.32 Also, future outbuildings within each plot may significantly reduce the extent of available private amenity space and appear overly dominant in such a prominent corner plot. Furthermore, considering the width of the plots and their orientation, there is a potential that such development could result in harm the living conditions of future occupants, particularly if an outbuilding/or outbuildings abut the shared boundary. In the interest of maintaining high quality design, it is considered necessary and reasonable for permitted development rights for outbuildings under Class E for new dwellings to also be revoked.

10.33 The removal of permitted development rights under Classes A, B and E can be secured through a planning condition.

## **11 Overall balance and conclusion**

11.1 The proposed development has been assessed against the policies of the Local Plan, Emerging Local Plan and NPPF. It has been found to be acceptable in all planning respects, subject to conditions, in terms of impact on: the character of the area, living conditions of future occupiers and neighbouring occupiers, highways and parking.

11.2 The proposal would make a small contribution to the Council's supply of housing in line with the government's objective set out at paragraph 59 of the NPPF. Also, as the Council cannot demonstrate a 5-year supply of deliverable housing sites, paragraph 11(d) of the NPPF applies. This outlines that applications involving housing should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. It is considered that there are no adverse impacts to this development and it meets the economic, social and environmental objective of sustainable development in mutually supportive ways.

## 12 Recommendation

It is recommended that planning permission is granted subject to the following conditions

1. No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the extensions and alterations to 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 Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policy SP9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2018.

2. No development above ground level 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 must 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; and

(c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing.

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, Policies SP9 and SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2018.

3. 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, Policies SP9 and SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2018.

4. Prior to occupation of the dwelling hereby approved, full details on a suitably scaled plan of access arrangements onto Oaklands Avenue in-line with

Hertfordshire County Council's Dropped Kerb guidance, must be submitted to and approved in writing by the Local Planning Authority. The agreed scheme must be completed in accordance with the approved plans prior to occupation of the approved dwelling and retained permanently for that use thereafter.

REASON: In the interests of highway safety in accordance with Policies SP4 and SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2018.

5. Any upper floor window located in a wall or roof slope forming a side elevation of the building hereby approved must be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005, Policy SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2018.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, B or 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 maintaining the visual amenity of the site and its immediate locality, and protecting the living conditions of future occupants in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policies SP9 and SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2018

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
0690/PL101Y		Existing & Proposed Floor Plans & elevations,	17 September 2018
0690/PL102Q		Location & Block Plan Existing & Proposed Elevations	17 September 2018

#### POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 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).

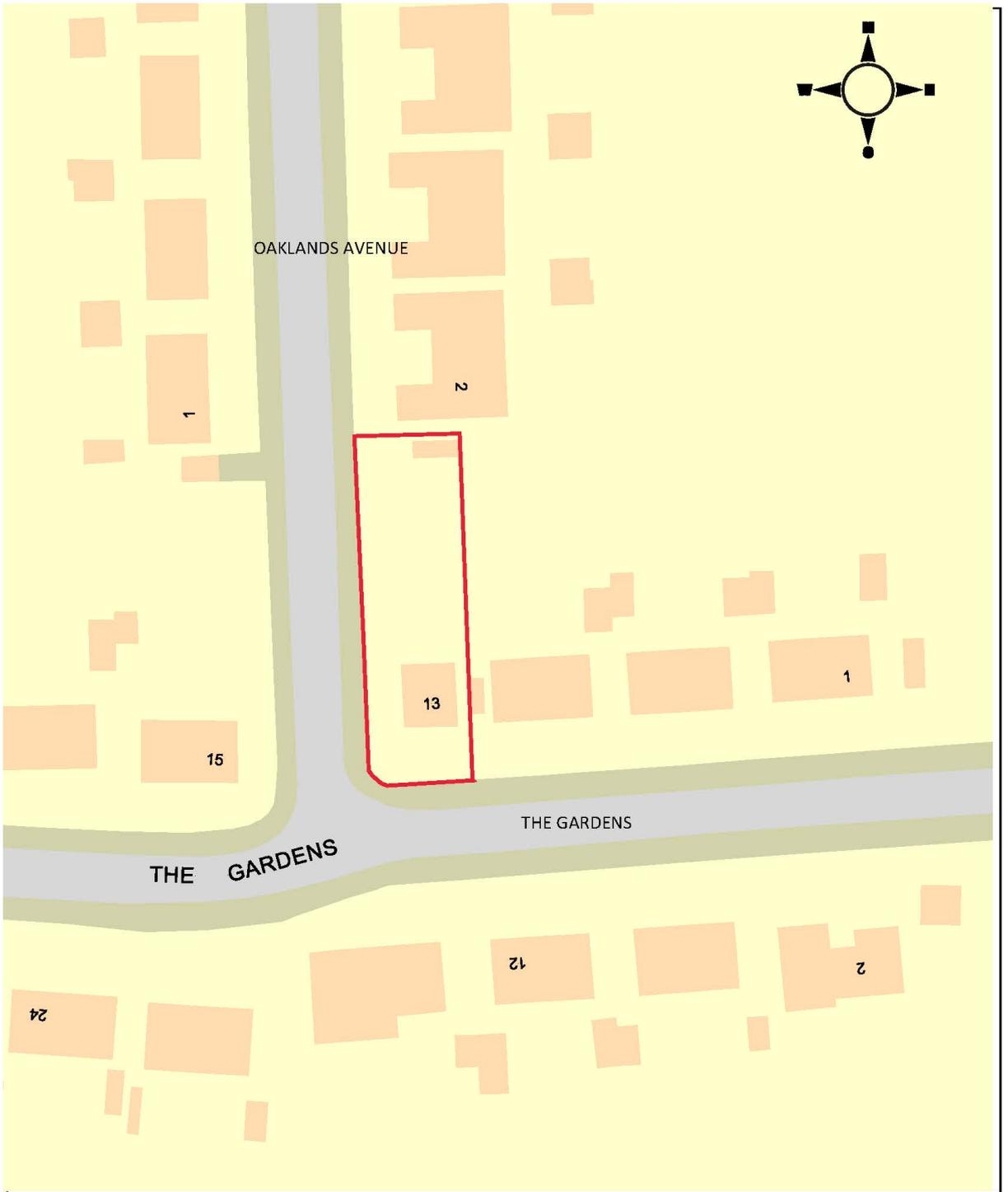
## INFORMATIVES

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.

David Elmore (Development Management)

Date: 04 January

Expiry date: 01 February 2019



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL9 6AE</p>	Title: 13 The Gardens Brookmans Park Hatfield		Scale: DNS	
			Date: 2019	
	Project: DMC Committee	Drawing Number: 6/2018/2319/FULL	Drawn: Ida Moesner	
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