

Part I

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Executive Member: Councillor Jane Quinton
(Northaw and Cuffley)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 04 DECEMBER 2023
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/1030/FULL

23 TOLMERS ROAD CUFFLEY POTTERS BAR EN6 4JF

ERECTION OF A REPLACEMENT DWELLING

APPLICANT: MRS S TURNBALL

1 Site Description

1.1 The application site is located to the west side of Tolmers Road and is comprised of a bungalow with a detached garage and a good sized rear garden. In front of the bungalow is an area of hardstanding set behind a grass verge and a low boundary hedge. Land levels rise gently uphill when traveling north along Tolmers Road and the application property is elevated above road level. The surrounding area and streetscene are residential in character and contain a variety of dwellings in respect of both size and appearance.

2 The Proposal

- 2.1 This application seeks full planning permission for the erection of a dwelling following the demolition of the existing bungalow. The proposed dwelling would be two-storeys in height, with second floor accommodation in the roof space. The roof would be hipped in design with dormers to the front and rear. The replacement dwelling would be sited on the footprint of bungalow to be demolished and access would be via the existing crossovers from Tolmers Road.
- 2.2 Amended plans were submitted during the application to reduce the height and scale of the proposed dwelling.

3 Reason for Committee Consideration

3.1 This application is presented to the Development Management Committee because the Northaw and Cuffley Parish Council have submitted a Major Objection.

4 Relevant Planning History

- 4.1 Application Number: E6/1966/0293
Decision: Granted
Decision Date: 24 February 1966
Proposal: Extension to house and car port.
- 4.2 Application Number: E6/1968/0458/
Decision: Granted

Decision Date: 10 April 1968
Proposal: Alterations and extensions.

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)
- 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 Northaw and Cuffley ward.

7 Representations Received

- 7.1 The application was advertised by means of neighbour notification letters. No neighbouring representations have been received.

8 Consultations Received

- 8.1 The following have responded advising that they have no objections to the proposal:

- HCC Transport Programmes and Strategy
- WHBC Client Services

- 8.2 No response was received from the following consultees:

- WHBC Public Health and Protection
- Hertfordshire Ecology

9 Town/Parish Council Representations

- 9.1 The Northaw and Cuffley Parish Council have raised a Major Objection to the proposed development.

- 9.2 The initial Major Objection stated:

“The Parish Council reviewed this application in detail and raise a major objection on the following basis: The roof is too high and is in contravention of Policy D1 (e) of the NCPC Neighbourhood Plan. The application does not comply with 45 degree rule and 12m protected zone in contravention of Policy D1 (e) of the NCPC Neighbourhood Plan Policy D1 (c) and (d) It is considered overdevelopment due to its size and also the Parish Council believe it to be out of character with the surrounding properties.”

- 9.3 The proposed development was subsequently amended to reduce the size and scale of the dwelling. The Parish Council were reconsulted and maintained their Major Objection, stating:

“The development is in contravention of the Northaw & Cuffley Neighbourhood Plan Policy D1. Policy (D1) requires ridge heights to be in conformity with adjacent properties. The case officer interprets this as the same height, but this is not the intent. On a hill they should be reducing and therefore this is not in conformity and contrary to Northaw & Cuffley Neighbourhood Plan Policy D1”

10 Analysis

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

- 1. Quality of design and impact on the character of the area**
- 2. Residential amenity**
- 3. Highways and parking considerations**
- 4. Other considerations**
 - i) Landscaping and ecology**
 - ii) Sustainable design and construction**
 - iii) Refuse and recycling**
- 5. Conclusion**

1. Quality of design and impact on the character of the area.

- 10.2 Local Plan Policies SP9 and SADM11 require all proposals deliver high-quality design that relates to their surroundings and local distinctiveness with the creation of a good standard of amenity. 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 building and area. Policy D1 of the Northaw and Cuffley Neighbourhood Plan (NCNP) concerns residential design and amenity, whilst Policy D2 refers to the local character. Appendix 2 provides further guidance in support of Policies D1 and D2, with extracts from local character assessments that should be used to inform all development proposals.
- 10.3 The proposal would see the existing bungalow replaced by a two-storey dwelling, with second floor accommodation in the roof space and dormers to the front and rear. The proposed dwelling would occupy a greater amount of the plot width compared to the existing dwelling, however a separation distance of approximately 2m (reducing to 1.8m at the rear) would be retained from the flank site boundaries at ground and first-floor level. This amount of separation around the dwelling is greater than many other properties in the area which are generally tightly spaced.
- 10.4 The dwelling would be setback approximately 12.5m from the highway and would respect the building line fronting Tolmers Road. The development would utilise the existing access and retain a sizeable driveway, as well as an integral garage, which is characteristic of this part of Tolmers Road.

- 10.5 The proposed dwelling would feature a hipped roof with a flat crown. Crown roofs are commonplace within the surrounding area and therefore represent an acceptable form of development. Nevertheless, it is acknowledged that some crown roofs are not attractively designed, particularly where the flat roof is clearly apparent, which can detract from the appearance of the host dwelling and the area. In this instance, the success of the proposed crown roof will rely on the quality of the detailed design. For this reason, a condition is suggested requiring details to be submitted to and approved in writing by the Local Planning Authority. Provided that the flat roof is stepped down and concealed behind the surrounding pitched roof, its impact in terms of visual amenity would be limited.
- 10.6 Turning to height, the proposed dwelling would be approximately 8.5m to the ridge, representing an increase in height of approximately 1.8m compared to the existing bungalow.
- 10.7 Northaw and Cuffley Parish Council have submitted a major objection to the proposed development on the grounds that it considers the roof to be in contravention of Policy D1 of the NCNP.
- 10.8 Part (e) of Policy D1 states: *“ridge heights will be required to be in conformity with the adjacent properties to retain a continuous frontage”*. It is understood that the Parish Council interpret this to mean that development within sloping topographies should have a staggered roof formation.
- 10.9 Land levels rise gently uphill along Tolmers Road, from north to south. However, the height and scale of dwellings varies considerably which has resulted in an inconsistent roofline. The existing bungalow which occupies the application site is notable for being considerably smaller in scale and lower in height compared to adjacent properties. To the south of the site, No.21 is a two-storey house with two large front facing dormers and to the north, No.25 is a chalet bungalow, also featuring front facing dormers. Varied ridgelines are further witnessed nearby at Nos.11 and 15 Tolmers Road, which are both large two-storey houses displaying rooflines which exceed the height of the properties on either side. Other examples with similar arrangements include Nos.37 and 39, and Nos.45 and 47 Tolmers Road.
- 10.10 The ridge height of the proposed dwelling would clearly exceed the ridge height of No.21, which is situated to the south at a lower land level, but would be comparable to the ridge height of No.25. While the ridge height of the proposed dwelling would not fully accord with a staggered roof formation, in this location, a consistent reduction in roof height when travelling down Tolmers Road towards Station Road does not need to be established for a ridge height to be considered ‘in conformity’ with adjacent properties.
- 10.11 The overall scale and massing of the dwelling would not be inappropriate within its plot and within the overall street scene. It would not therefore appear as an unacceptably large form of development. The generally consistent building line would be maintained. In this case it is considered that the new dwelling would be in conformity with the adjacent properties and would retain a continuous frontage meeting the aim of Policy D1 of the NCNP.
- 10.12 There has been much redevelopment in the immediate area, where smaller dwellings have been extended or replaced by larger dwellings and the current proposals are considered to be of a similar scale to a number of these

developments. In terms of the elevational treatment, the proposed dwelling would feature a central projecting gable containing the entrance at ground floor level and a feature window above the entranceway, with a circular window near to the apex. These features would assist in breaking up the visual mass of the building whilst also adding interest to the design. Similar gable features are noted within the area.

- 10.13 The roof space of the proposed dwelling would be habitable and such development is not uncommon within the area. The second floor would be facilitated by two front-facing and three rear-facing dormers. The scale of the dormers would appear subservient within their respective roof slope and positioned below the ridge height of the dwelling. The front and rear facing dormer cheeks would be set in from the flank elevations by approximately 0.8m. Though this would be less than the 1m separation distance between the dormer cheek and flank elevation of the dwelling as advised by the Council's SDG, there are many examples of dormers within the immediate area that have a less than 1m separation distance between the dormer cheek and flank elevation. In this case, it is considered a sufficient distance would be provided to ensure the dormers would not overwhelm their respective roofslope and would respect and relate to the dormer spaces within the area.
- 10.14 The design and positioning fenestration of the dwelling would be consistent and proportionate across the elevations and within the dormers. Details of the proposed external finish of the dwelling have not been submitted with this application, however these details can be secured by condition in the event of an approval.
- 10.15 In summary, the scale and positioning of the dwelling would not represent overdevelopment of the application site and would not appear unduly prominent within the street scene. The variety present in Tolmers Road allows for a degree of flexibility in terms of style, design and finish. In this context, it is considered that the proposed development would add to the characteristic variety in a manner that would not be discordant. Subject to suggested conditions, the development is therefore considered to be in accordance with Local and National Policy.

2. Residential amenity

- 10.16 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.17 No neighbour representations have been received regarding this development.
- 10.18 The rear gardens of the application site and adjoining neighbours Nos.21 and 25 face broadly west, benefitting from direct sunlight from the afternoon into the evening.
- 10.19 The rear elevation of the dwelling would finish in line with the rear elevation of No.25, and the positioning of the dwelling would not result in adjoining neighbours to experience an undue loss of light.

- 10.20 In terms of privacy, two first floor windows would be inserted into both flank elevations facing towards No.21 and No.25. These windows would serve non-habitable spaces and so, in the event of an approval, can be secured by condition to be obscured glazed and non-opening to protect the privacy of neighbouring occupiers. Views from windows within the rear elevation would predominantly be to the rear garden of the application site. Whilst there is potential for overlooking to parts of the rear gardens of neighbouring properties, the degree of overlooking would be consistent with a neighbouring relationship generally expected between residential properties.
- 10.21 The scale of the development and its positioning within the application site would not result in the proposed dwelling to appear unduly dominant or overbearing towards the occupiers of No.21 and No. 25.
- 10.22 The size, scale, siting and design of the proposed development would therefore have minimal impact on the residential amenity of the surrounding neighbouring properties in accordance with Policy SADM11 of the Local Plan; the Supplementary Design Guidance; and the National Planning Policy Framework.

3. Highways and parking considerations

- 10.23 Policy SADM12 of the Local Plan states the type and quantum of vehicle and cycle parking within development proposes will be informed by the standards set out in the Council's parking standards. The Council's Interim Policy for Car Parking Standards states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the Supplementary Parking Guidance should be taken as guidance only.
- 10.24 The Council's car parking guidance for a dwelling with four or more bedrooms in this location is three on-site car parking spaces per dwelling.
- 10.25 The submitted site plan shows a hardstanding to the front of the site which would be sufficient in size to accommodate three on-site car parking spaces.
- 10.26 Sufficient on-site car parking would therefore be provided and the development would be in accordance with Local Plan Policy SADM12; the Supplementary Parking Guidance and the National Planning Policy Framework

4. Other considerations

i) Landscaping and ecology

- 10.27 Paragraph 130 of the NPPF requires new developments to ensure appropriate and effective landscaping. Local Plan Policies SADM16 and SP10 expect development to have a good standard of visual amenity with landscaping to maintain, protect, conserve and enhance biodiversity.
- 10.28 Submitted drawing 2369-08i demonstrates both hard and soft landscaping to the front of the site. However, the drawing does not include details regarding the either the proposed soft or hard landscaping. A detailed landscaping scheme can therefore be secured by condition in the event of an approval.

ii) Sustainable design and construction

- 10.29 The NPPF is clear that sustainable development is integral in determining planning applications. Policy SP10 of the Local Plan requires proposals to adopt sustainable design and construction principles through the design of buildings, materials and waste, water sensitive design, energy and climate change and landscape and biodiversity.
- 10.30 In terms of energy and climate change, this includes the layout and design of the site and building to reflect the energy hierarchy to maximise opportunities to reduce carbon emissions; the use of renewable and low carbon energy infrastructure is used; and proposals are responsive to how the climate will change over their lifetime and minimise their contribution to the urban heat island effect.
- 10.31 Further to this, Policy SADM13 of the Local Plan requires all newly constructed dwellings will be required to achieve an estimated water consumption of no more than 110 litres/person/day, with water reuse and recycling and rainwater harvesting incorporated wherever feasible to reduce demand on mains water supply. It is also recommended that new dwellings deliver some of their energy requirements from decentralised and renewable or low-carbon sources.
- 10.32 No details have been submitted to demonstrate compliance with above policies. It is therefore appropriate to impose a condition requiring an energy statement to be submitted to and approved in writing by the Local Planning Authority. The statement must set out how the development will maximise energy conservation, incorporate measures to generate renewable energy and measures for long term water efficiency.

iii) Refuse and recycling

- 10.33 The proliferation of bins can create a considerable amount of clutter which in turn has a harmful impact upon the visual amenity of the street scene and the character of the area. Inappropriate storage of bins on the highway can also disrupt pedestrian and traffic movements contrary to the NPPF.
- 10.34 The Council's Client Services team have commented that the development would not have an additional impact on the existing refuse and recycling services.
- 10.35 Submitted drawing 2369-08i identifies an area for bin storage to the front of the application site but not details of the bin storage have been submitted with this application. Details of the bin storage can therefore be secured by condition in the event of an approval.

6. Conclusion

- 10.36 Subject to the suggested conditions, the proposal would not have no significant adverse impact upon the character and appearance of the area or the amenity of adjoining occupiers. The proposal has been found acceptable in relation to impact on the highway, parking and other material considerations. Accordingly and for the reasons given, the proposal is recommended for approval

11 Recommendation

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

1. No development above ground level in any phase of the development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework

2. No development above ground level shall take place until details of the proposed crown roof have been submitted to and approved in writing by the Local Planning Authority. The details, including: a roof plan, elevations and sections, must clearly show that the flat roof is stepped down and concealed behind the surrounding pitched roof. The pitched roof must use ridge tiles. Subsequently the development must not be carried out other than in accordance with the approved details.

REASON: The proposal contains insufficient information in regard to the detailed design of the roof and this is required in the interests of quality of design and visual amenity in accordance with the Welwyn Hatfield Local Plan and the National Planning Policy Framework.

3. No development above ground level shall take place until full details of energy-efficient construction materials and processes, including measures for long term energy and water efficient use of the building, have been submitted to and approved in writing by the Local Planning Authority. These measures must promote the use of renewable resources and involve sustainable drainage, heating and power systems. The development shall not be carried out other than in accordance with the approved details.

REASON: To ensure that the development contributes towards sustainable development and energy efficiency in the interest of mitigating the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

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

The landscaping details to be submitted shall include:

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

(d) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife

(e) details of surface water drainage to ensure run-off water from the hard surfacing will travel to a permeable or porous area or surface within the curtilage of the dwellinghouse.

REASON: The landscaping of this site is required in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

5. The development must not be carried out other than in accordance with the approved landscaping details and all landscaping must be carried out in the first planting and seeding seasons following the occupation of any part of the development, or the completion of the development, or in agreed phases, whichever is the sooner. Any plants which within a period of five years from planting die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species. All landscape works must be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure implementation of the approved landscaping details in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

6. The first-floor windows facing towards No.25 and No.21 Tolmers Road, as shown on approved drawing 2369-07j, must be obscure-glazed to a level equivalent to Pilkington Level 3 or above 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. Obscure glazing does not include applied film or one-way glass.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

7. No development above ground level shall take place until full details of refuse and recycling storage have been submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling storage shall be constructed, equipped and made available for use prior to first occupation of the development and thereafter retained for this purpose.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect visual and residential amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

8. 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 |
|--------------------|------------------------|-------------------------------------|----------------------|
| 2369-02 | | Existing front and side elevations | 16 May 2023 |
| 2369-01 | | Existing floor plan | 16 May 2023 |
| 2369-11 | | Site plan | 16 May 2023 |
| 2369-04 | j | Proposed first floor plan | 11 July 2023 |
| 2369-06 | j | Proposed front & rear elevations | 11 July 2023 |
| 2369-03 | j | Proposed ground floor plan | 11 July 2023 |
| 2369-10 | b | Existing & proposed site elevations | 11 July 2023 |
| 2369-07 | j | Proposed side elevation | 11 July 2023 |
| 2369-05 | j | Proposed second floor plan | 11 July 2023 |
| 2369-08 | i | Location & Site Plan | 11 July 2023 |
| 2369-09 | i | Street scenes | 11 July 2023 |

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

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.

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 or legal interest (easements or wayleaves) which may affect the land.
2. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.

3. The development will involve the numbering of properties and/or the naming of new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
4. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
5. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk

Kirsty Shirley (Development Management)
Date: 4th December 2023



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|  <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p> | Title: 23 Tolmers Road, Cuffley EN6 4JF | | Scale: 1:5000 |
| | | | Date: 16-11-2023 |
| | Development Management Committee | Drawing Number: 6/2023/1030/FULL | Drawn: C. Gooding-Williams |
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