

Part I

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Executive Member: Councillor J. Quinton  
(Hatfield South West)

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 11<sup>TH</sup> JANUARY 2024  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/1809/HOUSE

64 BISHOPS RISE HATFIELD HERTFORDSHIRE AL10 9HH

RETENTION OF STORAGE OUTBUILDING, COVERED AREA, FENCING, WALLS  
AND PATIO

APPLICANT: DR MOHAMED ALTAWIL

**1 Site Description**

- 1.1 The application site is located to the western side of Bishops Rise and consists of a two-storey semi-detached dwelling.
- 1.2 Bishops Rise is a residential area, with the immediate street scene consisting of brick built, semi-detached dwellings to the west, and a variety of residential properties to the east. Beyond the immediate vicinity of the site there are a mix of semi-detached and terraced properties with varying designs and use of materials (mainly brickwork and light render). Bishops Rise has a generally consistent, but not absolute, building line, with landscaped frontages which also allow off-street parking.

**2 The Proposal**

- 2.1 A prior approval application under reference 6/2022/2783/PN8 for a 6 metre deep single storey rear extension was granted in January 2023. This permission has been implemented. Following the implementation of the single storey rear extension, the remainder of the garden has undergone works, which are being applied for in this application.
- 2.2 This application seeks planning permission for the retention of an outbuilding, a covered area, fencing, walls and an area of patio, all to the rear of the site.
- 2.3 The outbuilding is sited to the south-western corner of the rear garden and measures approximately 1.8 metres by 4.4 metres and has a footprint of approximately 7.9 metres squared. The outbuilding has an approximate height of 2.4 metres to the top of the flat felt roof and is finished in a grey tile, with a white UPVC window to the elevation facing the house and a white UPVC door and window facing the remainder of the garden. There is a roof overhang, however, this does not adjoin the covered area.
- 2.4 The covered area is sited adjacent to the storage outbuilding, filling the remainder of the space running along the rear boundary of the site. The covered area has a footprint of approximately 22 metres squared, measuring approximately 4.3 metres by 5.1 metres. It has an approximate height of 2.2

metres with the roof constructed of corrugated plastic and wooden timber posts. This area is not enclosed.

- 2.5 Beyond the single storey rear extension, the garden has been fully paved with large cream paving stones, including underneath the covered area. Drainage has been provided. The applicant advises that this is to allow easy access arrangements for an occupier with limited mobility. Evidence of mobility issues of an occupier has been provided by the applicant.
- 2.6 The fence between the boundary of the application site and the neighbouring property at No.62 has been raised to an approximate height of 2.6 metres when measured from the ground level within the application site. The applicant advises that the height of the fence measured from the land levels within the neighbouring dwelling at No.62 is less than 2 metres. A higher fence was erected to ensure appropriate privacy is maintained between the two sites. A wall between the boundary of the application site and the neighbouring dwelling at No.66, along with a wall running along the rear of the site, has also been erected, measuring approximately 2 metres in height.

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

- 3.1 This application is presented to the Development Management Committee because it has been called-in by Councillor Rowse.

### **4 Relevant Planning History**

- 4.1 Application Number: 6/2022/2783/PN8  
Decision: Prior Approval Required and Granted  
Decision Date: 19 January 2023  
Proposal: Prior approval for flat roof single storey rear extension measuring 6m in depth, 3m in height and 2.4m to the eaves

### **5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Welwyn Hatfield Local Plan (Local Plan)
- 5.3 Supplementary Design Guidance 2005 (SDG)
- 5.4 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.5 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

### **6 Site Designation**

- 6.1 The site lies within the town of Hatfield as designated in the Welwyn Hatfield District Plan 2005.

### **7 Representations Received**

- 7.1 The application was advertised by means of neighbour notification letters. In total five representations have been received, all are objections. All representations

received are published in full on the Council's website and are summarised below:

### *Objections*

- Description incorrect
- There are trees and hedges within the distance of the development when it states there are none.
- There is only a small space between the extension/ covered area and the new outbuilding meaning that the garden has been overdeveloped making the visual impact unacceptable to all neighbouring properties.
- Concerns that the extra development could be used as additional accommodation at a later date without proper planning permission.
- The development has been made on more than 50% of the original outside space.
- The front garden has been developed to a driveway which has no drainage installed.
- An extractor fan vent for a cooker hood has been installed directly adjacent to one of our windows that is approximately 18" away, this would mechanically blow unwanted cooking smells directly into my window. This was not on the original approved plans. Is this a breach?
- No garden/outside space left for nature as the outbuildings and extension are very large and out of proportion.

## **8 Consultations Received**

8.1 Hatfield Town Council were consulted on the application; however, no comments were received.

8.2 Councillor Timothy Rowse called the application to DMC for the following reasons:

- The additional building built in the rear garden of this property represents over-development of the curtilage and that retrospective planning permission should therefore be denied.
- If this becomes the precedent for local development, then I believe it will undoubtedly have an adverse impact on wildlife which will be adversely impacted by reduced congruent natural corridors.

## **9 Analysis**

9.1 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) Ecology and biodiversity**

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

9.2 Paragraph 131 of the NPPF clearly advises that the creation of high-quality buildings and places is fundamental to what the planning and development

process should achieve and that good design is a key aspect of sustainable development. Paragraph 135 of the NPPF further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place. Paragraph 139 is clear that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides.”

- 9.3 The above objectives are broadly consistent with Policies SP1 and SP9 of the Council’s Local Plan. Policy SP9 states that proposals will be required to have been informed by an analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place. SP9 goes on to states that development proposals will need to respect neighbouring buildings and the surrounding context in terms of height, mass and scale and also be of a high quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.
- 9.4 Paragraph 26.11 of the Local Plan states that the Council also has in place Supplementary Planning Guidance on parking standards (2004) and Supplementary Design Guidance (2005), both introduced in conjunction with the Welwyn Hatfield District Plan (2005). Both of these documents require review in due course in order to bring them up to date with current best practice on design and sustainable development but will continue to be used to inform decisions on planning applications until such review takes place.
- 9.5 Whilst it is acknowledged that the development that has been undertaken to the rear of the application site does erode all soft landscaping, leaving the outside space to be formed fully of hard surfacing, it is not considered that this would imply that the site has been overdeveloped.
- 9.6 The outbuilding that has been erected is small in comparison to the existing site, with the height not considered to be overbearing. Whilst the covered area would span a large amount of the remainder of the rear garden, this is of an open nature and is considered to be of a modest size.
- 9.7 The applicant has advised that the paving of the rear garden was undertaken so as to provide a level surface area from the rear extension out to the garden, including under the covered area, to allow easy access for use by a disabled occupant of the property. Moreover, the covered area is to be utilised for activities required to be undertaken by the disabled occupant, with the outbuilding being used to store equipment.
- 9.8 Upon visiting the site it was clear that drainage was in place in the rear garden to allow for water run off from the hardstanding.
- 9.9 It is considered that the outbuilding, covered area and paving of the garden are of an acceptable design and layout that would adequately respect and relate to the existing dwelling and would not negatively impact upon the character and appearance of the surrounding street scene, especially as the rear garden is not readily visible within the public realm.

- 9.10 The erection of a higher fence along the boundary between the application site and No.62 and the wall between the application site and No.66 is also considered to be of an acceptable design.
- 9.11 The proposal is therefore considered to be in accordance with Policies SP1 and SP9 of the Welwyn Hatfield Borough Local Plan, Supplementary Design Guidance and the National Planning Policy Framework.

## **2. Residential amenity**

- 9.12 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.
- 9.13 Policy SADM11 of the Local Plan and the Supplementary Design Guidance (SDG) provide the local policy framework when assessing the impact of development on the residential amenity of neighbouring properties. New development should not cause loss of light or be unduly dominant from adjoining properties. In addition, development should be designed, orientated and positioned in such a way to minimise overlooking between dwellings.
- 9.14 The neighbour representations that have been received are acknowledged and the comments are addressed within the relevant sections of the report. It should be noted that some of the comments received are not matters that can be considered within a planning application and thus no further comment is made.
- 9.15 Due to the distance, it is considered that occupants of neighbouring properties to the front and rear of the application site will not be detrimentally impacted as a result of the development.
- 9.16 Whilst it is acknowledged that the outbuilding and covered area abut either side boundary, due to the subordinate height of these structures it is considered that there is not a significant detrimental impact to the amenity of the neighbouring occupants either side of the application site at No.62 and No.66.
- 9.17 Furthermore, the fencing at approximately 2.6 metres in height that runs along the boundary between the application site and neighbouring dwelling at No.62 is not considered to cause significant harm to the amenity of the neighbouring occupants at No.62 so as to warrant a reason to refuse this application. Similarly, the wall sited between the application site and the neighbouring dwelling at No.66 is not considered to cause significant to the amenity of the neighbouring occupants. It is noted that the neighbouring occupant at No.66 commented on the application but did not raise a concern regarding an impact to their amenity as a result.
- 9.18 The proposal is therefore in accordance with Policy SADM11 of the Welwyn Hatfield Borough Local Plan, the Welwyn Hatfield Supplementary Design Guidance and the National Planning Policy Framework.
- 9.19 With regards to the concern raised surrounding the use of the development as additional accommodation at a later date, this is acknowledged, however the Local Planning Authority cannot lawfully determine an application based on a possible future use of a site and as such this cannot be considered within this

application. Notwithstanding, it is considered appropriate to include an informative advising the application that any use of the development that would not be ancillary to the main dwelling would require planning permission.

- 9.20 A concern has also been also raised with respect to an extractor fan vent being installed directly adjacent a neighbouring window. No further details have been provided. Whilst this may have not been included within the previous prior approval application, it is acknowledged that such development may fall within permitted development. This does not, however, form part of this application and should be reported to enforcement for further investigation.

### **3. Highways and parking considerations**

- 9.21 Paragraph 111 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; the availability of and opportunities for 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.
- 9.22 Policy SADM12 of the Local Plan in regard to parking is informed by the standards that are set out within the Council's parking standards. The Parking Standards SPG use maximum standards that are not consistent with the Framework and are therefore afforded less weight. In light of this, 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. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size, context, and its wider surroundings.
- 9.23 The site appears to benefit from parking to the front for three vehicles.
- 9.24 As a result of the development there has not been an increase in the number of bedrooms at the application site and as such, no further consideration is required with regards to increased parking provision.
- 9.25 It is therefore considered that sufficient parking is provided at this site and is in accordance with Policy SADM12 of the Welwyn Hatfield Borough Local Plan and the Welwyn Hatfield Supplementary Parking Guidance 2005.
- 9.26 A concern has been raised with respect to a driveway being created within the front garden of the site which does not have any drainage.
- 9.27 Upon investigation, it is acknowledged that hard landscaping appeared to the frontage of the site sometime between May 2016 and July 2017, according to Google Street View to create a driveway. Such development may be undertaken through permitted development rights; however no Certificate of Lawfulness application was submitted to confirm this. Notwithstanding, an applicant does not have to undertake this process if they believe a development to fall within their permitted development rights.
- 9.28 Moreover, upon comparison with the latest Google Street View image from May 2022 and the site visit undertaken for this application (November 2023), it is

noted that a further section of the front garden has been hard surfaced. This may also fall under the realms of permitted development, however this cannot be confirmed without a Certificate of Lawfulness application being submitted.

- 9.29 Turning back to the concern regarding there being no drainage installed to the driveway at the frontage of the site. The development of an expanded driveway does not form part of this application, as the applicant considered it to fall within permitted development, and as such, this concern should be reported to enforcement for further investigation.

#### **4. Other considerations**

##### *i) Ecology*

- 9.30 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible. Paragraph 186 of the NPPF goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 186(d) of the NPPF that *“opportunities to incorporate biodiversity improvements in and around developments should be encouraged”*.
- 9.31 Policy SADM16 of the Local Plan seeks to conserve the biodiversity of the Borough and seek opportunities for enhancement to ensure no net loss of biodiversity. The Policy sets out that proposals will be expected to maintain, protect, conserve and enhance biodiversity, the structure and function of ecological networks and the ecological status of water bodies. Moreover, all developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%.
- 9.32 The Government are seeking to address Biodiversity Net Gain (BNG). With respect to whether a site is considered to be exempt from BNG, the Government have set out the following- *“Development impacting on habitat of an area below a ‘de minimis’ threshold of 25 metres squared, or 5m for linear habitats such as hedgerows, householder applications, biodiversity gain sites (where habitats are being enhanced for wildlife)”*.
- 9.33 This application is submitted to the Council in householder form, mainly to assess the outbuilding, covered area and fences/walls that have been erected. It is acknowledged that the garden has been paved, and this is included within the description of development. However, it is considered that paving within a residential curtilage doesn't often require planning permission.
- 9.34 In some circumstances, hard surfaces are easier to maintain and are more desirable for certain people, such as the disabled and the elderly, but also perhaps those with little time to maintain the up-keep of a soft landscaped garden.
- 9.35 Whilst it would be preferable to see a scheme include some soft landscaping to enhance biodiversity, it is however considered that in this circumstance, it would not be reasonable to apply a condition for a landscaping scheme to be submitted. This is because paved areas are not often controlled by planning permission. Moreover, it is considered that, with respect to Policy SADM16 of the Local Plan, this site is exempt.

- 9.36 Although concerns have been raised that a precedent could be set for other sites to completely hard surface the rear of their curtilage, and in turn this could have a greater impact upon the biodiversity of the area, it is however considered that this site in particular has a different set of circumstances. An occupant of the application dwelling is disabled, and as such, would benefit from a hard surfaced garden to enable ease of movement. On the other hand, it is likely that other sites would want to maintain soft landscaping for visual amenity.
- 9.37 In light of the above, it is therefore considered that the proposal would not have a detrimental harm to biodiversity and would not set a precedent for future sites to undertake the same development.

**10 Conclusion**

- 10.1 The retention of the storage outbuilding, covered area, fencing, walls and patio is considered to be acceptable.
- 10.1 Subject to conditions, the proposal would have no significant adverse impact upon the character and appearance of the area or the amenity of neighbouring occupiers. The proposal has also 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. The development/works shall be maintained in accordance with the approved plans and details, unless otherwise approved in writing by the Local Planning Authority:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
BR01		PRE-EXISTING PLANS	23 October 2023
A		SECTIONS & ELEVATIONS	
S100		EXISTING PLANS & ELEVATIONS	23 October 2023
O			

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 applicant is advised that the development hereby approved shall solely be used for purposes either incidental or ancillary to the enjoyment of the dwellinghouse and shall not be used for any other use or purpose, including a use that may form a business. Such other uses would require planning permission.
4. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
5. 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.
6. 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.

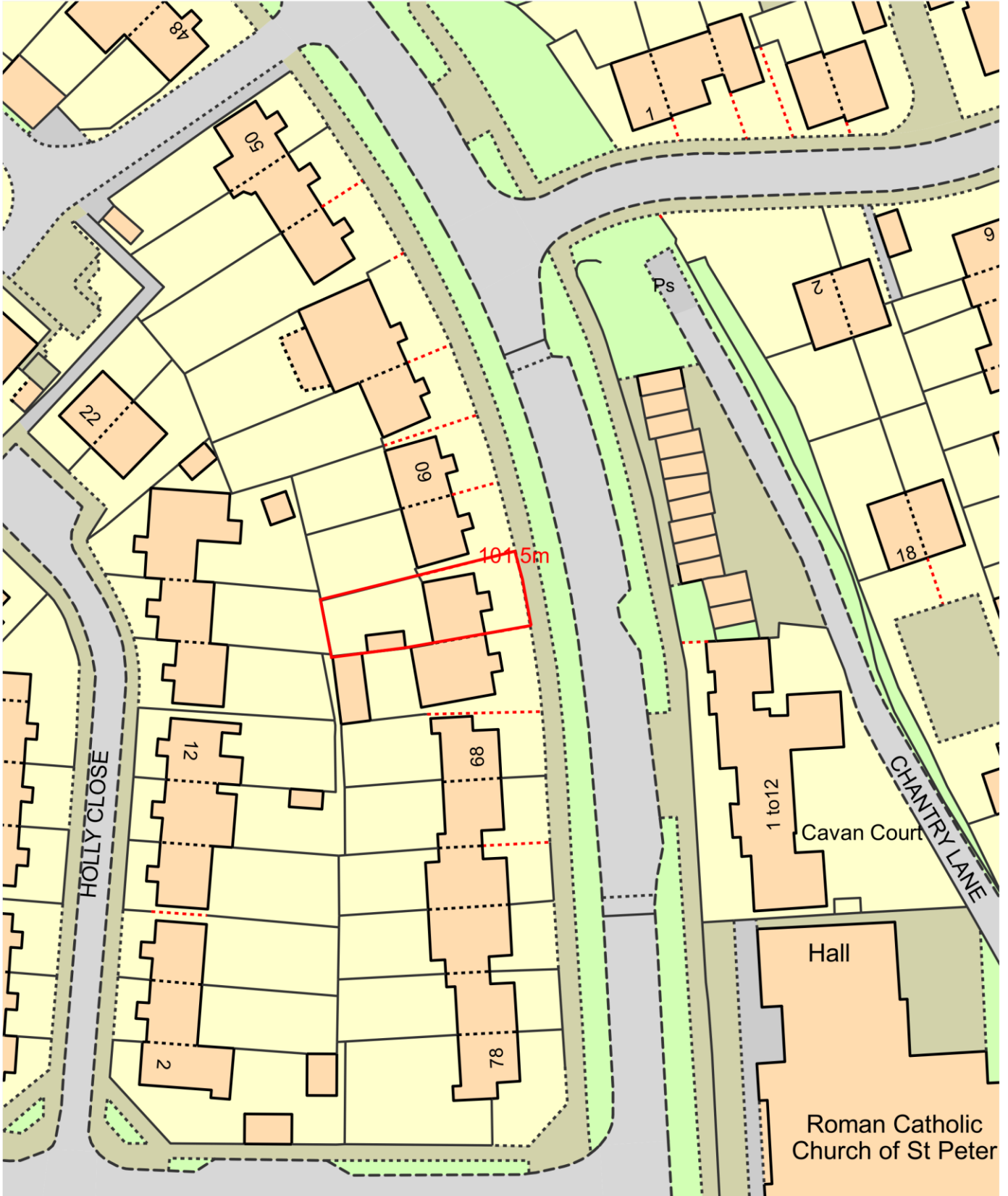
Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance 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](mailto: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](http://www.hertfordshirebc.co.uk)

Ashley Ransome (Development Management)  
Date: 1<sup>st</sup> December 2023



 Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE	Title: 64 Bishops Rise Hatfield AL10 9HH		Scale: 1:5000
	Project: Development Management Committee		Date: 02-01-2024
	Drawing Number: 6/2023/1809/HOUSE	Drawn: N McIver	
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