

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 27 JUNE 2024  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/2169/OUTLINE

32 ELM DRIVE HATFIELD AL10 8NU

OUTLINE PERMISSION FOR THE ERECTION OF AN END OF TERRACE TWO  
STOREY DWELLING WITH ALL MATTERS RESERVED

APPLICANT: MS HAZEL BANCROFT

**1 Background**

- 1.1 This application follows outline application 6/2023/0346/OUTLINE for the erection of a 1.5 storey detached dwelling with all matters reserved except for means of access and layout. This application was withdrawn on the 5 October 2023.
- 1.2 The main difference between the current scheme and application 6/2023/0346/OUTLINE is that the latter includes a two-storey end of terrace dwelling instead of a 1.5 storey detached dwelling.

**2 Site Description**

The application site is at the end of a row of four other terraced properties, located north of Elm Drive. The row of terrace properties is set behind a substantial grassed amenity area and pathway. The surrounding area is residential in character and features terraced, semi-detached and detached dwellings.

- 2.1 The application site is a private garden, belonging to No. 32 Elm Drive with a large rectangular garden to the side and rear. The application plot measures approximately 0.037 hectares in area. The southern boundary of the application site abuts two blocks of garages owned by the Council.

**3 The Proposal**

- 3.1 This application seeks outline planning permission for the erection of an additional dwelling with all matters reserved.
- 3.2 The proposal includes a two-storey side extension which would form the additional end of terrace dwelling.

#### **4 Reason for Committee Consideration**

- 4.1 This application is presented to the Development Management Committee because Councillor Timothy Rowse is concerned that access to the site is restricted and that the new dwelling would be unable to apply for parking permits. Also, there is limited access to public transport.

#### **5 Relevant Planning History**

- 5.1 Application Number: S6/1987/0467/FP  
Decision: Granted  
Decision Date: 13 July 1987  
Proposal: Single storey rear extension
- 5.2 Application Number: 6/2028/1595/PN8  
Decision: Prior Approval Not Required  
Decision Date: 24 July 2018  
Proposal: Prior approval for the erection of a conservatory to rear measuring 2.7m in depth, 3m in height and 2.5 to the eaves
- 5.3 Application Number: 6/2018/2107/PN8  
Decision: Prior Approval Not Required  
Decision Date: 12 September 2018  
Proposal: Prior approval for the erection of a single storey rear extension measuring 2.5m in depth, 3.0m in height, 2.4m to the eaves
- 5.4 Application Number: 6/2023/0346/OUTLINE  
Decision: Withdrawn  
Decision Date: 5 October 2023  
Proposal: Outline permission for the erection of a 1.5 storey detached dwelling with all matters reserved except for means of access and layout

#### **6 Relevant Planning Policy and Guidance**

- 6.1 National Planning Policy Framework 2023 (NPPF)
- 6.2 National Design Guide 2021 (NDG)
- 6.3 The Welwyn Hatfield Borough Council Local Plan 2016-2036 (Local Plan)
- 6.4 Supplementary Design Guidance 2005 (SDG)
- 6.5 Parking Standards Supplementary Planning Guidance 2004 (SPG)
- 6.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 6.7 Hertfordshire Local Transport Plan (2018-2031) 2018

## 7 **Representations Received**

7.1 The application was advertised by means of neighbour notification letters and a site notice. In total 2 representations have been received: an objection and a representation in support of the proposal. All representations received are published in full on the Council's website and are summarised below.

### *Objections*

- There was a covenant preventing any permanent dwelling in the garden of the house.
- Access to the garden is misleading showing a larger opening between the Council garage wall and 32 Elm Drive than there actually is.
- Parking permits are in place between 9am and 5pm Monday to Friday. Parking problems arise in the evening when people come home from work and during the weekend.
- Parking issues during construction.
- Lack of public transport. The 366-bus service going from South Hatfield to Welwyn Garden City along Woods Avenue has been discontinued. This leaves just the 610, which is one bus every hour, going from Potters Bar to Luton (not Welwyn Garden City or St Albans). There is a quarter of an hour walk to the Town Centre and a half an hour walk to the rail station.
- Blockages with sewage waste, will the existing drainage be able to cope?
- The statement about the building at 12 Elm Drive being completed and tenanted is incorrect, it appears not to be finished and not occupied.
- The drawings/plan of the gardens along the terrace are incorrect, they show a permanent fixture in the garden of 30 Elm Drive which is just a wooden shed.

### *Support*

- Proposal will bring symmetry to the terraces since 12a Elm Drive was built.
- No adverse overlooking or loss of privacy will occur due to this build unlike 12a Elm Drive.
- Parking should not be taken into consideration as new builds are not entitled to park in permit areas during restrictions.
- Access to building site would be no different to 12/12a Elm Drive.
- Access to the new build would be the same as 12/12a Elm Drive as 12 Elm Drive and the proposed build at 32 Elm drive has a pathway of approx. same dimensions.
- Rear access to this new build would be via the alley way at 24 Elm Drive.
- There was no enforcement of noise, dust, fumes, health and safety during the construction at 12a Elm Drive, so to use this against 32 Elm Drive would show discrimination.

- Damage to amenity land outside 12 Elm Drive was not repaired therefore the same approach should be applied to this application.
- Storage of building materials on highway without permit in place was allowed for 12 Elm Drive so this should be allowed for 32 Elm Drive without prejudice.
- The proposal should be supported due to the precedents set by 12/12a Elm Drive.

## **8 Consultations Received**

- 8.1 WHBC Parking Services advised under application 6/2023/0346/OUTLINE that a resident permit scheme is in place around the application site area. The Parking Services team were not consulted on this current application, as it is considered that their previous comments still stand.

## **9 Town/Parish Council Representations**

- 9.1 Hatfield Town Council have commented that the Town Council has previously raised concerns about the impact on residents during construction and that in the event of a recommendation for approval, conditions should be included which minimise the impact on the surrounding area during and post construction phase. Without such conditions being in place, they would object to permission being granted.

## **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 of the area**
- 3. Residential amenity**
- 4. Highways and transport considerations**
- 5. Other considerations**
  - i) Landscaping**
  - ii) Neighbour representations**
- 6. The planning balance**

### **1. Principle of the 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 SP1 which requires development to take place on previously used or developed land is consistent with the NPPF. Furthermore, Policy SP3 direct new development towards existing towns and settlements.
- 10.3 The site has not been allocated in the Local Plan for additional housing supply and as such would come forward as a windfall residential site. Policy SADM1

would therefore apply. This policy states that all applications for windfall residential development on unallocated site will be granted provided:

- i. The site is previously developed, or is a small infill site within a town or excluded village. In the Green Belt, Policy SADM 34 will apply;
- ii. The development will be accessible to a range of services and facilities by transport modes other than the car;
- iii. There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;
- iv. Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and
- v. Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.

10.4 The application seeks permission for the erection of an additional dwelling on land which forms part of the residential garden of 32 Elm Drive. Gardens in built-up areas 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.

10.5 The application site lies within the town of Hatfield as designated within Policy SP3 of the Local Plan. The site is located within close proximity to day to day services and facilities available within walking distance of the site in Hatfield Town Centre. It is also located within an area which is accessible by public transport. For example, the area is serviced by bus Nos 301, 302 and 724.

10.6 The proposal would result in a net increase of one dwelling, as such it is considered that there will be sufficient existing infrastructure capacity to support the proposed development. Also, the proposed development would neither undermine the delivery of allocated sites within the Plan nor result in disproportionate growth.

10.7 In principle there is therefore no objection to the subdivision of private garden of No 32 Elm Drive and the proposed additional dwelling would not result in a development that is of an unsustainable nature. The proposal would not therefore conflict with the sustainability requirements of the National Planning Policy Framework or Policy SADM1 of the Local Plan.

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

10.8 Paragraph 131 of the National Planning Policy Framework (NPPF) clearly advises that the creation of high-quality, beautiful and sustainable 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.

10.9 Local Plan Policy SP1 states the need to deliver sustainable development whilst ensuring development is built to high design standards reflecting local character. Policy SP9 emphasises this need to deliver a high-quality design

that fosters a positive sense of place, responding to the character and context of the surrounding area. Correspondingly, Policy SADM11 states that all proposals will be required to create and protect a good standard of amenity for buildings and external open space.

- 10.10 In terms of the character of the area, paragraph 2.4 of the SDG outlines, amongst other things, that new development should:
- Respond to building forms and patterns of existing buildings in the detailed layout and design to reinforce a sense of place;
  - Use local materials and building methods/details to enhance local distinctiveness; and
  - Ensure that the scale, height, massing, and space around the new development in relation to the adjoining buildings is considered.
- 10.11 The proposal would involve the subdivision of the existing garden of 32 Elm Drive. The indicative floor plans and site plan are shown on Drawing Nos 001 and 003. The submitted plans do not, and cannot, definitively set the access, layout, scale, appearance, or landscaping of the proposed development as these matters remain reserved. The Council has proceeded on the basis that the plans provide a reasonable indication of the scale, arrangement, and impact of the development for the purposes of assessing this application, but that they do not form part of the recommendation.
- 10.12 It is considered that the principle of a proposed two storey side extension to create an end of terrace dwelling would respect the character and appearance of the surrounding area in terms of plot size and density. It is also noted that a similar development has been approved to subdivide the plot and form a new dwelling at 12 Elm Drive, under application 6/2020/0285/FULL. Although the development would reduce the spacing currently found about the existing dwelling, sufficient spacing would be retained so that the proposed and existing dwellings would not appear cramped within their plots, respecting the spacious character of the area. Additionally, the proposed garden would be commensurate with the size and scale of proposed dwelling.
- 10.13 As set out above, as this is an outline planning application, with all matters reserved for future determination, matters relating to design will be determined by a later “reserved matters” application. However, the indicative drawings demonstrate that a suitable form of development could be achieved within the site.

### **3. Residential amenity**

- 10.14 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. Local Plan Policy SADM11 states that proposals are required to create and protect a good standard of amenity for buildings and external open space in line with the Council’s SDG. Policy SADM11 additionally states that as a

minimum, all proposals for C3 dwellings will be required to meet the Nationally Described Space Standard, unless it can be robustly demonstrated that this would not be feasible or viable.

- 10.15 This outline permission is sought with all matters reserved and only indicative floor plans and a site plan for the proposed dwelling have been provided. The indicative layout is considered to provide adequate living conditions for future occupiers with regard to natural light and internal space. The Gross Internal Area and the bedroom sizes of the proposed dwelling meet the minimum standards requirements set out in the NDSS. In addition, the indicative site plan show that the proposed dwelling would provide sufficient private outdoor amenity space and would be comparable to rear gardens of surrounding properties.
- 10.16 Due to the separation distances between the proposed dwelling and neighbouring properties, it is unlikely that the proposal would have an impact on the amenities of the adjoining dwellings.
- 10.17 Notwithstanding this, full consideration would be given to neighbouring and residential amenity for future occupiers in the event of an approval of permission and following the submission of reserved matters relating to appearance, layout and scale.

#### **4. Highways and transport considerations**

- 10.18 In terms of parking 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. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.19 Policy SADM12 of the Local Plan states that the type and quantum of vehicle and cycle parking provided within development proposals will be informed by the standards set out in the Council's parking standards taking account of:
- a. The site's location and accessibility to public transport, services and facilities;
  - b. The nature and degree of parking demand likely to be associated with the development and opportunities for shared parking; and
  - c. The need to promote more sustainable forms of travel within the borough.
- 10.20 Policy SADM2 of the Local Plan states that development proposals will be permitted provided, amongst other things, there would be no negative impacts on highway safety.

- 10.21 It is noted that the Parking Standards SPG uses maximum standards and are not consistent with the framework and are therefore afforded less weight. The Interim Policy for Car Parking Standards also 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.
- 10.22 The indicative floor plans suggest the new dwelling would benefit from 2 bedrooms. A two-bedroom dwellinghouse in this location requires 1.5 parking spaces in accordance with the Council's SPG. The north side of Elm Drive is characterised by terraced dwellings set behind a substantial grassed amenity area and pathway. These dwellings do not have off street parking. As such, whilst full details of access and layout are reserved at this stage, the proposed dwelling would not be likely to benefit from on-site car parking due to the existing arrangements.
- 10.23 Furthermore, the surrounding area is controlled by parking restrictions. Future occupiers would not be eligible to apply or have parking permits for the neighbouring streets, meaning there is no opportunity for on-street parking within a convenient distance. It is considered that this would act as a disincentive for future occupiers to own a car.
- 10.24 The site is located in a sustainable location near the centre of Hatfield. Most day-to-day needs would be within walking distance of the site which is well connected by an extensive network of footways and cycleways in the surrounding area. Bus services can be accessed from UoH Student Estates, Asda, Town Centre (U, V & W) bus stops which are 12 minutes away from the application site.
- 10.25 The application is for outline permission with all matters reserved, therefore full details regarding any parking, cycle storage, construction management techniques and access would be addressed under reserved matters. However, it is considered that even if no parking is provided on site at the reserved matters stage, there is no substantive evidence that the proposed development would give rise to a significant increase in the demand for on-street parking, or that any such increase would necessarily cause any material harm to highway safety or the living conditions of surrounding residential occupiers. Therefore, at this stage, no objections are raised in this regard.

## **5. Other considerations**

### *i) Landscaping*

- 10.26 Paragraph 135 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. An appropriate balance between hard and soft landscaping should be maintained.

- 10.27 There are trees and shrubs on the southern and western boundary of the application site. These trees and shrubs would need to be protected during construction works. If any planting is removed, it would need to be replaced. The application is for outline permission with all matters reserved, therefore detailed landscaping would be addressed under reserved matters in the event of the permission being recommended for approval.

*ii) Neighbour representations*

- 10.28 The comment about a covenant on No 32 Elm Drive does not relate to any material planning considerations and therefore are not discussed in this report.
- 10.29 Concerns have been raised regarding the impact of the proposal on foul water drainage. However, due to the limited scale of the development proposed, it is the responsibility of the developer to make proper provision for drainage to ground water courses or a suitable sewer.

**6. The planning balance**

- 10.30 Policy SP1 of the Local Plan require that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they accord with the objectives and policies of the Local Plan.
- 10.31 The NPPF is clear that achieving sustainable development means that the planning system has three overarching objectives (economic, environmental, and social), which are interdependent and need to be pursued in mutually supportive ways. Moreover, a breach of a particular local plan policy does not necessarily equate to a failure to accord with the local plan as a whole.
- 10.32 In favour of the scheme is a social benefit through the provision of an additional dwelling, contributing to the supply of housing locally. Short term economic benefits would also arise from the creation of one new dwelling, albeit limited. With regards to the environment, the proposal would be within walking distance to shops and services. Whilst the development would result in the loss of some existing garden land to form a new residential dwelling, it is considered that there is an opportunity for the proposal to provide opportunities to enhance the site through landscaping. Such environmental benefits would enhance the sustainability credentials of the development, however full details would be assessed at the reserved matters stage.
- 10.33 Subject to the submission of reserved matters (design, appearance, scale, landscaping and access) the principle of the development would represent sustainable development.

## **11 Conclusion**

- 11.1 This is an outline planning application, for the erection of a two-storey side extension to create an additional dwelling, with all matters reserved (design, appearance, scale, landscaping and access) for future determination.
- 11.2 Overall, the proposal would represent sustainable development and would comply with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.
- 11.3 For the reasons summarised above, together with all other material considerations, subject to a standard condition for the submission of reserved matters and implementation of the permission, the proposal is recommended for approval.

## **12 Recommendation**

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

### **PRE-COMMENCEMENT CONDITIONS**

1. Details of the appearance, means of access, landscaping, design and scale, (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters and in order to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

### **OTHER**

2. An application for the approval of the first reserved matters application shall be made not later than the expiration of two years beginning with the date of this permission.

REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

### **DRAWING NUMBERS**

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

<b>Plan Number</b>	<b>Details</b>	<b>Received Date</b>
003	Indicative Proposed Floor Plan	24 October 2023
001	Existing Location Plan & Indicative Site Plan	24 October 2023

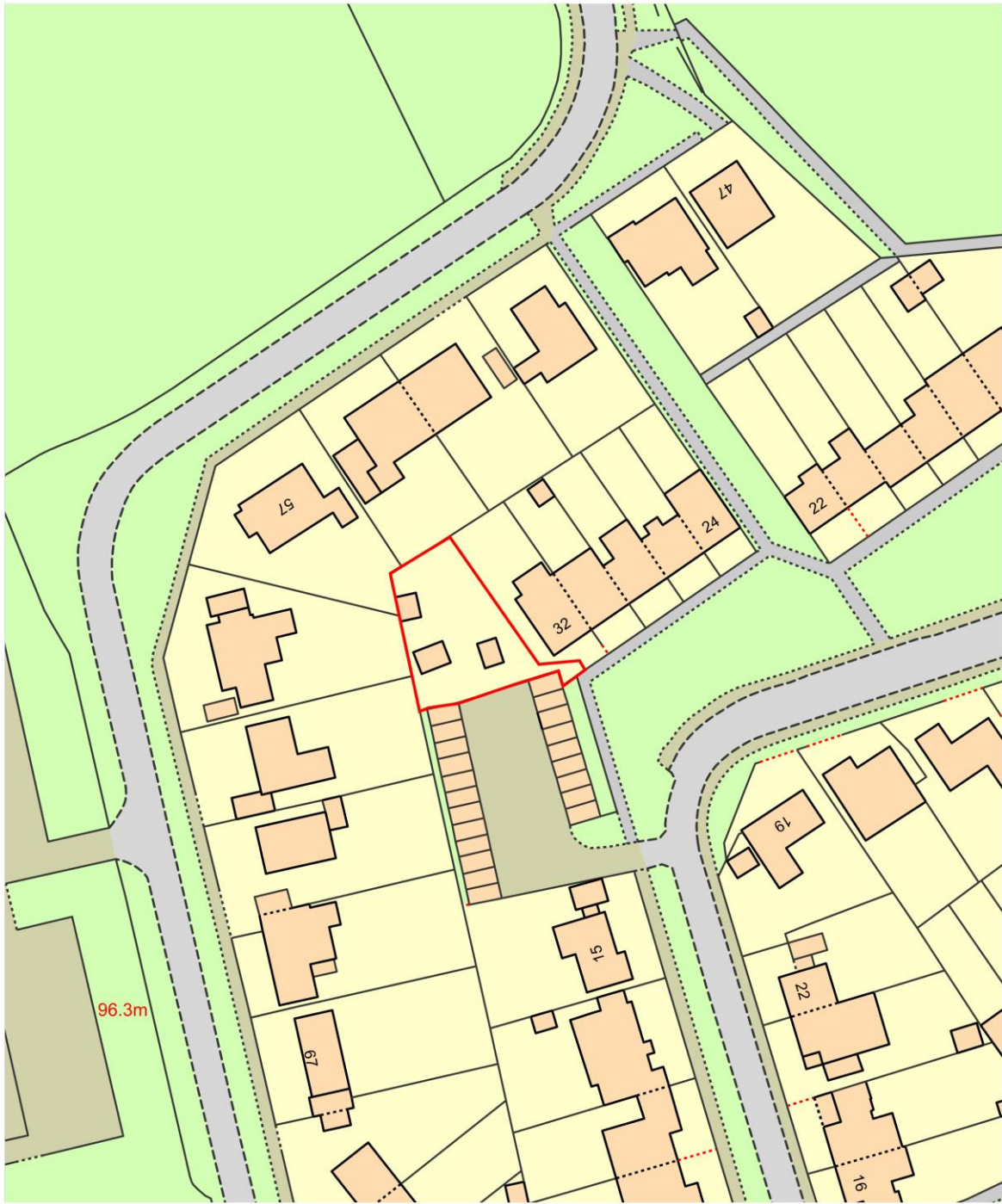
REASON: To ensure that the development is carried out in accordance with the approved plans and details.


1. POSITIVE AND PROACTIVE STATEMENT

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

Lizzie Mugova (Development Management)

Date: 17/06/2024



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title:		Scale:
	32 Elm Drive Hatfield AL10 8NU		DNS
	Development Management Committee		Date:
	Drawing Number: 6/2023/2169/OUTLINE		14-06-2024
		Drawn:	C. Brady
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