

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 9 MARCH 2023  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/0004/HOUSE

9 ROBIN MEAD WELWYN GARDEN CITY AL7 1PP

ERECTION OF TWO STOREY AND SINGLE STOREY REAR EXTENSION  
FOLLOWING DEMOLITION OF EXISTING CONSERVATORY, NEW AND  
ALTERATIONS TO FENESTRATION

APPLICANT: MS C BAMGBOYE

**1 Site Description**

- 1.1 The application site is a two-storey linked detached dwelling which is located on the eastern side of a small cul-de-sac of approximately 10 houses. The houses are linked together by their garages which are a prominent feature of their design. The application property is linked to No. 7 Robin Mead. The surrounding area is predominantly residential in nature.

**2 The Proposal**

- 2.1 This application seeks planning permission for the erection of a single storey and part two storey rear extension following the demolition of the existing conservatory. The proposal also includes new openings and alterations to first floor side elevation windows on flank walls of the original dwelling.
- 2.2 The proposal creates a utility, open plan kitchen/dining, multi-use room and an additional bedroom with en-suite bathroom.
- 2.3 Following concerns raised by neighbours, revised plans were submitted by the applicant. The changes include a reduction in the size of all of the first-floor side elevation windows.

**3 Reasons for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because the application was called-in by Councillors Barbara Fitzsimon and Lucy Musk in February 2023 for the following reasons:
- The two-storey extension proposed is of an overbearing size.
  - The proposal impacts the immediate adjoining houses and the wider neighbourhood.

**4 Relevant Planning History**

- 4.1 Application Number: W6/2000/0930/EM

Decision: Refused  
Decision Date: 07 August 2000  
Proposal: Storage of caravan on front hardstanding

4.2 Application Number: W6/2000/1554/EM  
Decision: Granted  
Decision Date: 02 January 2001  
Proposal: Vehicle crossover and hardstanding

4.3 Application Number: 6/2019/0475/EM  
Decision: Granted  
Decision Date: 29 April 2019  
Proposal: Conversion of garage to include installation of front windows

4.4 Application Number: 6/2023/0014/EM  
Decision: Awaiting decision  
Decision Date: Pending  
Proposal: Erection of two storey and single storey rear extension following demolition of existing conservatory

## **5 Relevant Planning Policy**

5.1 National Planning Policy Framework (NPPF)

Welwyn Hatfield District Plan 2005 (District Plan)

Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)

Supplementary Design Guidance 2005 (SDG)

Supplementary Planning Guidance, Parking Standards 2004 (SPG)

Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

## **6 Site Designation**

6.1 The site lies within Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005.

## **7 Representations Received**

7.1 The application was advertised by means of neighbour notification letters. One objection has been received which is published in full on the Council's website and summarised below:

- Lack of privacy due to the proposed first floor side elevation windows and rooflights which would provide a direct view into No. 52 Lumbards' garden and the rear living area as well as a perceived sense of overlooking.
- The proposed extension significantly exacerbates the sense of enclosure to the extent that it would extend across the whole northern boundary of the garden of No.52.

- Overbearing impact which would take away a significant amount of light to the adjoining rear garden.
- The proposed extension is out of character with the other properties in the area.
- The extension is not subordinate to the existing house.
- The proposed extension would be detrimental to the environment.
- The proposal may set a precedent for extensions of a similar scale to be built in the area.
- There are inconsistencies and inaccuracies on the plans.

## **8 Analysis**

8.1 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. Car parking and highways considerations**
- 4. Ecology and biodiversity**

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

- 8.2 Policy D1 requires the standard of design in all new development to be of a high quality and Policy D2 requires all new development to respect and relate to the character and context of the area in which it is proposed. It notes that development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area. The Welwyn Hatfield District Plan Supplementary Design Guidance (SDG) supplements the policies contained in the District Plan. The NPPF is also relevant whilst determining this application.
- 8.3 The Council's SDG states that for all multi-storey, two-storey and first floor side extensions, a minimum distance of 1m between the extension and the adjoining flank boundary must be maintained. It also states that extensions should be designed to complement and reflect the design and character of the dwelling and be subordinate in scale.
- 8.4 The rear garden measures approximately 12.5m in depth. The site benefits from a rear conservatory which is approximately 3.8m in depth, which will be demolished to enable the erection of the proposed rear extension.
- 8.5 The ground floor element of the extension would be attached to the proposed two storey extension which would cumulatively span across the entire width of the host dwelling. It would measure approximately 3.5m in depth and approximately 3m in height, therefore it is not considered to be excessive in size or scale. As such, it would be subordinate to the host dwelling and would not result in a cramped form of development within the site.
- 8.6 However, the first-floor part of the proposal would not be set down from the existing ridgeline of the roof and is not subordinate in this regard. Whilst the proposal does not fully comply with the Council's SDG for this reason, each case must be assessed on its own merits. The two-storey element would be set in from the common boundary with No. 7 Robin Mead by approximately 3.3m and due to its position at the rear, the two-storey rear extension would not be highly visible within the streetscene. Moreover, the proposed roof design would

integrate with and complement that of the host dwelling. It is therefore considered that the proposed two storey rear extension would not appear unduly prominent or cause harm to the character and appearance of the host dwelling or the surrounding area.

- 8.7 The proposed development would be finished in matching materials to the existing dwelling. Subject to a planning condition to secure the matching materials, this would be acceptable.
- 8.8 Overall, it is considered that the design of the proposed extension would adequately respect and relate to the existing dwelling and the character of the area, in accordance with the relevant development plan policies and the NPPF.

## **2. Residential amenity**

- 8.9 With regards to the impact on the amenity of adjoining neighbours, Policy D1 of the District Plan and the Supplementary Design Guidance states that extensions should not cause loss of light or appear unduly dominant from an adjoining property or result in a detrimental loss of privacy. Furthermore, guidance in Paragraph 130 of the NPPF sets out to always seek to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings.
- 8.10 Due to the location of the proposed works, the neighbouring occupiers which are the most likely to be affected by the proposal are those at No. 7 Robin Mead to the north, those which adjoin the rear garden of the application property at No. 50 and No. 52 Lumbards to the south and the rear garden of No. 15 Eastor to the south-east. It is noted that objections have been received from neighbouring occupiers on Lumbards.
- 8.11 Although small scale in size, No. 7 Robin Mead benefits from a single storey rear extension which is approximately 1.8m in depth. Due to the modest scale and single storey nature of part of the proposal on the side which adjoins No. 7 Robin Mead, the proposal would not result in a loss of light or appear unduly dominant from this adjoining property.
- 8.12 The proposed two-storey rear extension would be highly visible from the rear garden of No. 52 Lumbards due to the position of the plot. The depth of the rear garden of No. 52 is approximately 13m and is north facing. Furthermore, approximately 1m separates the proposed side flank wall and the flank boundary of No. 52. Overall, given the separation distances involved, the depth of the two-storey extension and the orientation in relation to this neighbouring property, it is considered that that the proposal would not significantly worsen the living conditions of these neighbouring occupiers in terms of overbearing impact or loss of light.
- 8.13 The proposed first-floor side elevation windows facing No. 7 Robin Mead and No. 52 Lumbards which would serve non-habitable rooms and a landing are small in size (approximately 60cm x 40cm). Additionally, these windows would be obscure glazed and the parts of the window which can be opened would be more than 1.7 metres above the floor of the room and non-opening; which would be secured via a planning condition. As such, it is considered that these windows would not result in a detrimental loss of privacy.

- 8.14 Furthermore, views from the proposed first floor rear elevation windows of the two-storey extension would have potential for overlooking to parts of the rear gardens of No. 7 Robin Mead and No.15 Eastor. However, the degree of overlooking would be similar to existing and would be consistent with a neighbouring relationship generally expected between residential properties.
- 8.15 In terms of the side rooflights, the agent has confirmed that these will be installed in the roof slope where the room is 2.4m high and views from these would primarily be skywards. As such, it is considered that the proposed rooflights would not unduly impact on the privacy of neighbouring occupiers.
- 8.16 It is also noted that the first-floor side elevation windows in the flank of the original dwelling and the proposed rooflights can usually be installed without planning permission in accordance with the conditions and limitations of Permitted Development Rights.
- 8.17 Overall, given the scale, orientation and separation distances between the proposed extension and neighbouring occupiers, it is considered that the proposal would not result in a loss of light, appear unduly dominant from adjoining properties or result in a detrimental loss of privacy.

### **3. Car parking and highways considerations**

- 8.18 Policy M14 of the District Plan 2005 and the Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF 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. 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.
- 8.19 The proposal would increase the number of bedrooms on site from four to five. The Council's car parking guidance for a dwelling with four or more bedrooms in this location is three spaces per dwelling. The site currently benefits from adequate on-site car parking. Furthermore, there is no change in the parking space requirements as set out above, therefore the existing parking arrangement is viewed to be acceptable.

### **4. Ecology and biodiversity**

- 8.20 Paragraph 174 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. District Plan Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of biodiversity. Policies SP10 and SADM16 of the Draft Local Plan Submission 2016 are similar in these aims.
- 8.21 A comment has been raised regarding habitat and wildlife loss and the impact on the environment. Although the rear extension would span across the width of the host dwelling at ground floor level, it extends by approximately 3.5m in depth which is slightly less than the depth of the existing conservatory which will be

demolished. It is noted that there are trees to the front of the property on the south elevation and the rear garden is laid mainly to lawn with one tree and shrubs on the side where it adjoins No. 7 Robin Mead. As a result of the proposed development, the remainder of the rear garden will be approximately 9m in depth and most likely remain soft and hard landscaped. In addition, all of the trees and shrubs on site will be retained. It is therefore considered that there will not be a significant loss in soft landscaping.

Furthermore, it is worth noting that the proposal would not involve any major demolition works to the roof, nor is the site located adjacent to any wildlife sites or been identified as an urban area which is described as a high priority area for bats. An informative note will be included in the event of the application being recommended for approval which refers to how to proceed in the event that any protected species, or evidence of them, are discovered during the course of any development. Subject to the inclusion of this informative note no objections are raised on these grounds.

## **9 Conclusion**

- 9.1 The proposed development would have an acceptable impact on the character and appearance of the existing property and surrounding area. Furthermore, the proposal would not result in any significantly detrimental impacts on the living conditions of neighbouring occupiers. As such, the proposed development complies with the relevant local and national planning policies and is recommended for approval subject to the suggested conditions.

## **10 Recommendation**

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

1. The brickwork, roof tile, bond, mortar, windows, detailing, guttering, soffits and other external decorations of the approved extensions and alterations must match the existing dwelling in relation to colour and texture.

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 and the National Planning Policy Framework.

2. The first-floor side elevation windows and rooflights (facing No. 7 Robin Mead and No. 52 Lumbarbs) hereby approved 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 Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

### **3. DRAWING NUMBERS**

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>
22/SPE		Site Plan Existing	3 January 2023
22/SPP		Site Plan Proposed	3 January 2023
201		Floor Plans Proposed	3 January 2023
001		Floor Plans Existing	3 January 2023
002		Elevations Existing	3 January 2023
22/SPT		Site Plan Existing Trees	3 January 2023
202	A	Elevations Proposed	6 February 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 (see Officer's report which can be viewed on the Council's website or inspected at these offices).

### Informatives:

1. 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.
2. Protected Species – It is an offence to take or disturb the breeding or resting location of protected species, which include: all Bats, Badger, Otter, Hazel dormouse, Water vole, Reptiles (Common lizard, Slow-worm, Grass snake), Great crested newt, wild birds and Roman snail. Precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from Natural England: 0300 060 3900 or an appropriately qualified and experienced Ecologist.
3. 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.
4. 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

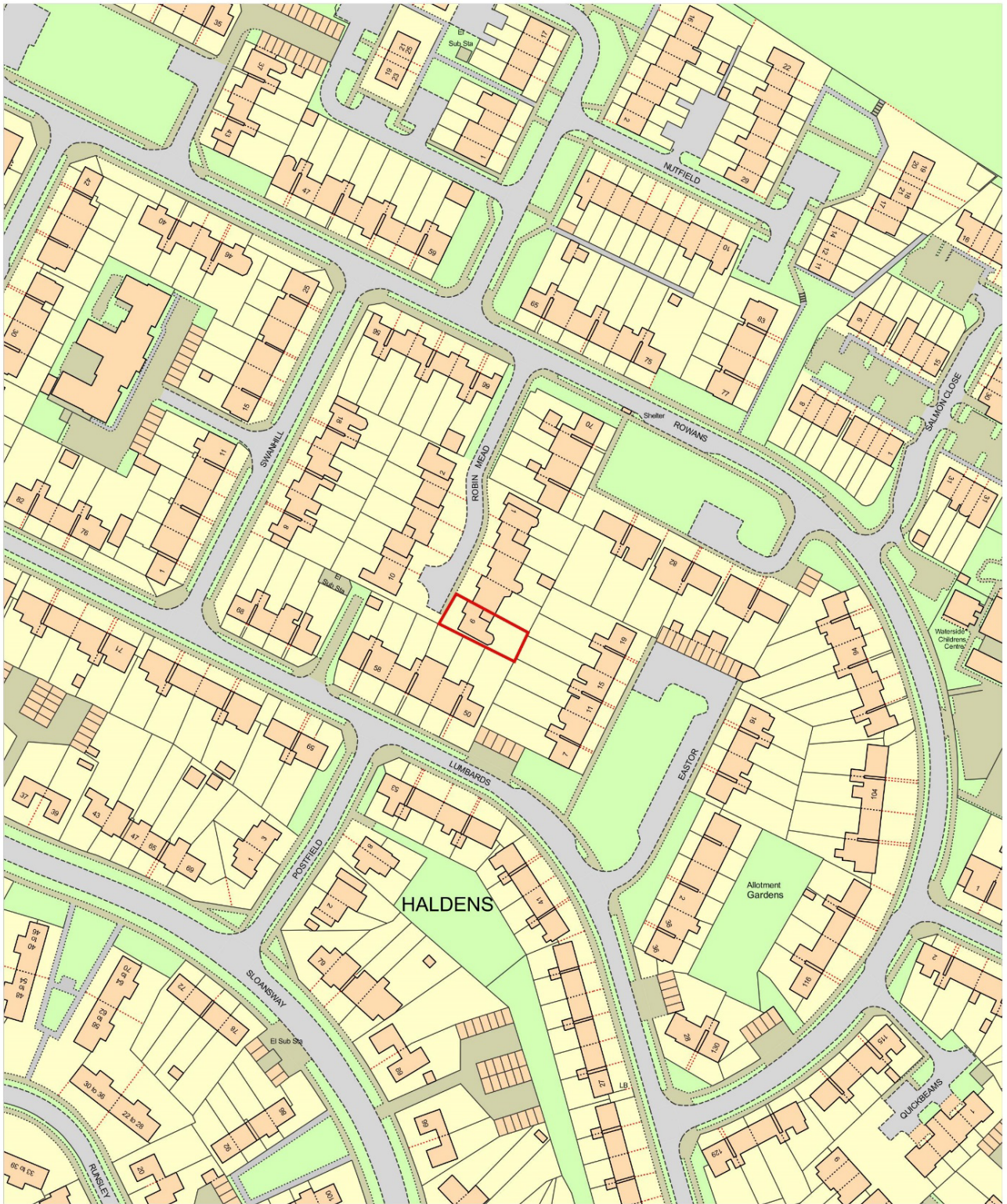
compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.


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)





 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	9 Robin Mead Welwyn Garden City AL7 1PP		Scale: DNS
			Date: 23-02-2023
	Development Management Committee	6/2023/0004/HOUSE	J Fuller
© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2021			