

WELWYN HATFIELD BOROUGH COUNCIL
PLANNING CONTROL COMMITTEE – 20 JANUARY 2011
REPORT OF THE DIRECTOR (STRATEGY AND DEVELOPMENT)

S6/2010/2284/FP

36 HASELDINE MEADOWS, HATFIELD, AL10 8HD

RETENTION OF SINGLE STOREY SIDE AND REAR EXTENSIONS

APPLICANT: Mr H El-Nagger

(Hatfield West)

1 Site Description

- 1.1 The application site is situated to the north of Haseldine Meadows and consists of an end of terrace two storey house with gardens to the front, side and rear. The surrounding area and street scene are residential in character and contain similar dwellings in respect of both size and appearance.
- 1.2 The application site is irregular in shape measuring approximately 21m at its widest point close to the front boundary narrowing to 3m at the rear. The rear garden is enclosed by shiplap fencing approximately 1.8m in height. The front boundary is defined by a hedge approximately 1m in height. To the side of the dwelling is a brick wall measuring between 1.5m and 2m in height. The garden area is mostly laid to lawn with a block paved path and mixed boundary planting.

2 The Proposal

- 2.1 This application seeks full planning permission for the retention of single storey side and rear extensions. The rear extension measures approximately 3m in depth x 6.3m in width with a hipped roof 3.8m in height to the ridge. Approximately 1.5m separation distance has been maintained between the rear extension and the flank boundary to the east with No.34 Haseldine Meadows.
- 2.2 The side extension replaces an original single storey projection which measured approximately 5.4m in depth x 2m in width with a flat roof. This original side projection has been rebuilt with a further side extension measuring an additional 4.4m in depth x 3.5m in width resulting in a cumulative projection to the side of approximately 5.4m. The side extension features a gable roof approximately 3.5m in height to the ridge. At the closest point, approximately 5.5m separation distance has been maintained between the side extension and the boundary with No.38 Haseldine Meadows to the west of the application site. The extension is finished in yellow facing brick and concrete roof tile to match the original dwelling. The rear elevation features two windows which serve a bedroom and a study area which also benefits from a roof light window and a door providing access to the rear garden. The side elevation features a door and a window serving a bedroom and the front elevation features a further bedroom window, a kitchen window and a door.

3 Planning History

- 3.1 S6/2009/1589/LU – Certificate of Lawfulness for Existing Single Storey Side and Rear Extensions (Withdrawn 20/10/2009)

4 Planning Policy

- 4.1 National Planning Policy:

PPS1: Delivering Sustainable Communities
PPS3: Housing
PPS9: Biodiversity and Geological Conservation
PPG13: Transport
PPG14: Development on Unstable Land

- 4.2 East of England Plan 2008:

SS1: Achieving Sustainable Development
ENV7: Quality in the Built Environment
T14: Parking

- 4.3 Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development
GBSP2: Towns and Specified Settlements
R3: Energy Efficiency
M14: Parking Standards for New Developments
D1: Quality of Design
D2: Character and Context
R19: Noise and Vibration Pollution

- 4.4 Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

- 4.5 Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

5 Constraints

- 5.1 The site is located within the settlement of Hatfield as designated by the Welwyn Hatfield District Plan 2005.

6 Representations Received

- 6.1 This application has been advertised by site notice and neighbour notifications. Four representations have been received from neighbouring occupiers within Haseldine Meadows. The objections may be summarised as:

- The rear extension would result in loss of light to the occupiers of No.34 Haseldine Meadows
- The proposals would result in overdevelopment of the plot that is not in keeping with the character of the surrounding area.
- The extensions have resulted in a six bedroom house that is let to students
- Insufficient parking provision resulting in parking on grass verges and public footpaths and impacting upon highway safety
- Noise disturbance from the occupiers of the application dwelling

- Occupiers antisocial behaviour
- Insufficient provision for recycling and bin storage
- Impact on views from neighbouring properties

7 Consultations Received

- 7.1 **Hertfordshire County Council – Transportation Planning and Policy** – does not wish to restrict the grant of permission

8 Town Council Representations

- 8.1 **Hatfield Town Council** – No comments received (due 12 November 2010)

- 8.2 **Environmental Health** – No objection

9 Discussion

- 9.1 This application is presented to the Planning Control Committee because it has been called in by Councillor Kim Langley for the following reasons:

“1. At the time the building works were being completed, and due to the withdrawal of the original planning application, this may still be liable to HMO's;

2. The new directive from the Coalition Government is that the Council takes into very strong consideration local residents' view and to allow them to have a greater say in developments in their area. As there has been representations from the neighbours, I would respectfully request that the Planning Department considers this.”

- 9.2 Background information: The application property was originally a two bedroom dwellinghouse falling within Use Class C3 (Dwellinghouse). Neither planning permission nor a certificate of lawfulness have been sought for a change of use to a Home in Multiple Occupation (C4 use). However, certain alterations to a property or changes to the way a property is used can be undertaken without needing to apply for planning permission. These are called 'permitted development rights'. They derive from a general 'planning permission' granted by Parliament (General Permitted Development Order) and not the Local Authority.

- 9.3 Use Class C4 covers small shared houses occupied by between three and six unrelated individuals who share basic amenities (such as a kitchen or bathroom). The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010 (2010 No.2134) which came into effect on 1 October 2010 has made changes of use from Class C3 (dwellinghouses) to Class C4 (houses in multiple occupation) permitted development. Houses in multiple occupation do not benefit from permitted development rights to extend and alter the appearance of the building.

- 9.4 An enforcement investigation has recently been carried out which found that the property is currently occupied by six unrelated individuals who share basic amenities. The use of the building therefore falls within Use Class C4 (houses in multiple occupation). Planning application S6/2010/2284/FP currently under consideration proposes “Retention of single storey side and rear extensions”. Change of use from C3 to C4 is not the subject of this planning application, due to national legislation granting such permission.

9.5 It is acknowledged that section 14 of the planning application form, which states the existing use of the site as “single dwelling - C3 use” is not an accurate description. However, the type of application form and fee submitted are appropriate for a property falling within Use Class C4.

9.6 The main issues to be considered are:

- 1. The Impact of the Development Upon the Character and Appearance of the Locality**
- 2. The Impact of the Development Upon the Residential Amenity of the Adjoining Occupiers**
- 3. Parking Provision and the Impact of the Development on the Highway**
- 4. Other Material Considerations**

- 1. The Impact of the Development Upon the Character and Appearance of the Locality**

9.7 National Planning Policy Guidance PPS1 Delivering Sustainable Development requires planning authorities to plan for high quality design which is appropriate in its context. Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location. The residential design guidance emphasises that extensions should complement and reflect the design and character of the dwelling and be subordinate in scale. Additionally, extensions should respect existing spacing and not appear cramped on the site and the locality in general, not cause loss of light, materials should match and any overlooking towards living areas of adjacent dwellings should be minimised.

9.8 The rear extension is not visible within the streetscene and therefore has no discernible impact on the character of the area. The side extension is partially screened by existing boundary planting and a brick wall which extends between No.36 and No.38 Haseldine Meadows. The side extension has been designed to reflect the character of the application dwelling, including the materials used and the gabled roof design which match the main dwelling. Both side and rear extensions would be subordinate in scale by virtue of their height and also the set back from the front elevation. The separation distances maintained between the extensions and the flank site boundaries maintains adequate spacing so as not to appear cramped on the site. It is considered that the extensions do not have an adverse visual impact upon the character and appearance of the existing dwelling sufficient to warrant refusal of planning permission. The extensions do not amount to over development of the site by virtue of their location within a spacious garden measuring approximately 180sqm, leaving approximately 85% of the rear garden without built form. The proposals are in accordance with PPS1 Delivering Sustainable Development and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

- 2. The Impact of the Development Upon the Residential Amenity of the Adjoining Occupiers**

9.9 The rear extension is single storey and consequently there is no requirement for a minimum set back from the site boundary. Notwithstanding this, approximately 1.5m separation distance has been maintained between the

rear extension and the flank boundary to the east. At the closest point, approximately 5.5m separation distance has been maintained between the side extension and the boundary with No.38 Haseldine Meadows to the west of the application site. In terms of overbearing impact and loss of light to neighbouring occupiers, it is considered that the extensions have not had a significant detrimental impact on amenity by virtue of the size and orientation of the extensions and the separation distances that have been maintained. No windows are located within the east flank elevation of the rear extension, therefore, the extension has had no detrimental impact upon the privacy enjoyed by occupiers of neighbouring No.34 Haseldine Meadows. The side extension features two windows and a door facing south and a further window and a door facing west. Due to the orientation of the application dwelling and its location on a corner plot, all windows and doors within the side extension face towards the site frontage and do not cause any harm in terms of loss of privacy to No.38 Haseldine Meadows.

- 9.10 To summarise, it is considered that the extensions have not resulted in a loss of amenity to the occupiers of neighbouring dwellings sufficient to warrant refusal of planning permission. The extensions are in accordance Policy D1 Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

3. Parking Provision and Impact of the Development on the Highway

- 9.11 The Council require parking provision for new development to be made in accordance with the standards set out in the Council's supplementary planning guidance on parking. These standards represent the maximum allowable taking account of expected levels of car ownership, the importance of promoting good design and the need to use land efficiently.
- 9.12 The application dwelling did not benefit from off-street parking prior to being extended and no additional parking has been provided. Due to the constraints of the site, it would not be possible to provide any off-street parking within the site boundary.
- 9.13 Hertfordshire County Council – Transportation Planning and Policy does not wish to restrict the grant of permission and commented that on-street parking is a feature of Haseldine Meadows. To date on-street parking has not led to any recorded injury accidents. Despite the increase in demand for parking, the situation, in the Highway Authority's view, is that it would not create any significant road safety implications.
- 9.14 The application dwelling originally benefited from two bedrooms. The extension and reconfiguration of the ground floor layout has provided four additional bedrooms. Supplementary Planning Guidance on parking standards identifies a maximum parking provision of 0.5 parking spaces per tenancy unit. Therefore, the maximum parking provision has increased from 1.5 spaces to 3 spaces.
- 9.15 It is considered that the proposed retention of the single storey side and rear extensions which have resulted in the formation of a six bedroom dwelling would significantly add to the parking pressures within the vicinity and consequently would exacerbate the existing problems of inconvenience to road users and damage to grass verges and landscaped areas. This would set an undesirable precedent for similar future developments and further increase the stress on parking provision within the locality. The development would therefore fail to meet the requirements of PPG13, Policy M14 of the

4. Other Material Considerations

- 9.16 Sustainable Development: The applicant has completed the sustainability checklist in accordance with Policy R3 of the District Plan and SD1 of the Supplementary Design Guidance. The applicant has indicated within the submitted sustainability checklist that the extensions were designed to limit the impact on neighbour amenity with appropriately located windows. Dual flush cisterns have been installed to reduce water usage. In addition to replacement windows and doors, the original flat roof has been replaced with a pitched roof thereby improving security.
- 9.17 Noise disturbance and Anti-Social Behaviour: A number of neighbour objections were received on the grounds of anti-social behaviour and noise disturbance caused by the occupiers of the application building. This carries only limited weight in the consideration of the current planning application for retention of extensions as noise disturbance and anti-social behaviour are covered by other legislation. Such disturbances, where relevant, should be reported to the Council's Environmental Health Department, Hertfordshire University and the Police. It is considered that the intensification of the use of the site as a direct result of the extensions would not result in additional noise generation beyond what would be expected as reasonable noise within a residential environment.
- 9.18 Bin Storage and Recycling Facilities: No additional bin storage facilities are proposed. In the absence of policy requirements in relation to bin storage within residential accommodation, a lack of proposed bin storage carries only limited weight and is unlikely to be sufficient to warrant refusal of planning permission. However, should planning permission be granted, adequate provision for bin storage could be sought by way of an appropriately worded planning condition.
- 9.19 Chalk Mining: No risk assessment is required for the proposed development as it is considered very low risk. The application should therefore, in accordance with PPG14, include an informative.
- 9.20 Protected Species: The presence of protected species is a material consideration, in accordance with PPS9 (Biodiversity and Geological Conservation), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.
- 9.21 Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981).
- 9.22 In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states:

“a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.”

9.23 The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals. These comprise:

- “Deliberate capture or killing or injuring of an EPS”
- “Deliberate taking or destroying of EPS eggs”
- “Deliberate disturbance of a EPS” including in particular any disturbance which is likely –
 - (a) to impair their ability –
 - (i) to survive, to breed or reproduce, or to rear or nurture their young, or,
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
 - (b) to affect significantly the local distribution or abundance of the species to which they belong
- “Damage or destruction of a EPS breeding site or resting place” (applicable throughout the year).
 - e.g. bat maternity roost (breeding site) or hibernation or summer roost (resting place)
 - e.g. great crested newt pond (breeding site) or logpiles / piles of stones (resting place)
 - e.g. dormice nest (breeding site or resting place (where it hibernates)

9.24 In some circumstances a person is permitted to ‘derogate’ from this protection. The Conservation Regulations 2010 establishes a regime for dealing with such derogations via the licensing regime administered by Natural England. The approval of such a license by Natural England may only be granted if three strict “derogation” tests can be met:

- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained

9.25 Notwithstanding the licensing regime, the Council as Local Planning Authority (LPA) has a statutory duty to have regard to the requirements of the Habitat Directive and therefore should give due weight to the presence of an EPS on a development site. Therefore in deciding to grant permission for a development which could affect an EPS the LPA should:

- a) Consider whether an offence to an EPS is likely to be committed by the development proposal.
- b) If the answer is yes, consider whether the three “derogation” tests will be met.

- 9.26 A LPA failing to do so would be in breach of Regulation 9(5) of the Conservation Regulations 2010 which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
- 9.27 The existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would an EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.
- 9.28 East of England Plan 2008: On 10th November 2010, The High Court quashed the decision of the Secretary of State for Communities and Local Government to unilaterally revoke Regional Spatial Strategies in England on two grounds:
- That he acted outside his statutory powers in circumventing the need for parliamentary scrutiny of such a fundamental change to the national planning system; and
 - He failed to consider the likely environmental effects of revoking Regional Strategies
- 9.29 However, the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Bill, which is expected to begin its passage through Parliament before Christmas. In the meantime, the policies in the East of England Plan are re-established and form part of the development plan again and are therefore a material consideration which can be taken into account in reaching a decision. However, the Government's intention to abolish Regional Spatial Strategies is also a material consideration that could be considered to reduce the weight to be attached to policies in Regional Spatial Strategies.
- 9.30 The application has been considered against policy(ies) in the East of England Plan, which at the time of this decision forms part of the development plan for the borough but that the weight accorded to these policies, in light of the above circumstances, has been carefully considered in reaching a decision.

10. Conclusion

- 10.1 The proposed retention of the single storey side and rear extension complies with the relevant national policies and guidance, policies within the East of England Plan 2008, the Welwyn Hatfield District Plan 2005 and the requirements of the Supplementary Design Guidance (Statement of Council Policy).

11 Recommendation

- 11.1 It is recommended that planning permission be refused for the following reason. As the development has already been constructed, no conditions are applicable:
1. The application site does not have any allocated parking space and due to the constraints of the site, it is unlikely that any off street parking could be provided within the site boundary. The proposed retention of the single storey side and rear extensions which have resulted in the formation of a six bedroom dwelling would significantly add to the parking pressures within the vicinity and consequently would exacerbate the existing problems of inconvenience to road users and damage to grass verges and landscaped areas. This would set an undesirable precedent for similar future developments and further increase the stress on parking provision

within the locality. The development would therefore fail to meet the requirements of PPG13, Policy M14 of the Welwyn Hatfield District Plan 2005 and Supplementary Planning Guidance, Parking Standards, 2004.

Plan Numbers

2050-LP01 & 2050-S03 & 2050-P01B & 2050-P02A received and dated 11 October 2010.

Informatives:

1. INF9 - The planning authority has determined the application on the basis of the information available to it, but this does not warrant or indicate that the application site is safe or stable or suitable for development proposed, or that any nearby land is structurally stable. The responsibility for safe and suitable development rests upon the developer and/or land owner and they should take expert advice from properly qualified experts to ensure that the historic chalk mining activities in the area will not adversely affect the development.

Mark Peacock (Strategy and Development)

Date 4 January 2011

Background papers to be listed (if applicable)



	Title:		Scale: DNS
	36 Haseldine Meadows, Hatfield		Date: 20 January 2011
Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Project:	Drawing Number:	Drawn: Andrew Windscheffel
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