

3/09/0945/FP – Single storey side extension and rear decking at 20 Leahoe Gardens Hertford SG13 8BY for Mr Paul & Mrs Sue Pullin

Date of Receipt: 19.06.09

Type: Full Plans

Parish: Hertford

Ward: HERTFORD CASTLE

Reason for report: Council employee

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:-

1. Three year Time Limit (1T12)
2. Matching materials (2E13)
3. No external lighting (2E26)
4. Prior to any works commencing on site measures for the protection of badgers shall be carried out in accordance with details, including a schedule of works, to be submitted to and approved in writing by the Local Planning Authority. All works are to proceed in accordance with the approved details.

Reason: To safeguard the welfare of the protected species, in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007 and National Guidance PPS9.

Directives

1. Other legislation 01OL

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular ENV1, ENV5, ENV6, BH5, ENV14 and ENV16. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (094509FP.SD)

1.0 Background

- 1.1 The application site, No 20 Leahoe Gardens is a two storey detached property, sited on the western edge of Hertford as shown on the attached OS extract.
- 1.2 The site lies on the edge of an urban residential area adjacent to the open land of Leahoe Meadows, a designated wildlife site. The application seeks permission for a single storey side extension to provide a dining room and kitchen with an area of decking to the rear on the south western elevation of the dwelling.
- 1.3 A public footpath passes along the northern site boundary. The site is located within the Hertford Conservation Area.
- 1.4 The proposal is for the enlargement of the property constructing a single storey extension over an area currently used as a patio providing a dining room and kitchen with external decking area.

2.0 Site History

- 2.1 There is no previous planning history on the site.

3.0 Consultation Responses

- 3.1 Herts Biological Records Centre was consulted on the application and comment that the survey identified a badger sett in the wildlife site WS59/079 adjacent to the site although the main sett is some 160m away. Two active holes were found in proximity to the proposed extension, because of the proximity of the site these will need to be closed prior to the construction work. A licence would be needed to exclude the badgers from the small setts. They recommend a condition should be applied requesting an application for a licence.
- 3.2. Herts & Middlesex Wildlife Trust reiterate the comments and conditions requested by HBRC as regards the removal of the proximity sett and exclusion of badgers, but also comment that they wish to see the integrity of the adjacent wildlife site protected from any indirect effects of the proposed development and refer to EHDC policy ENV14.
- 3.3. Natural England comment that badgers are protected under the Protection of Badgers Act 1992. Any works that may have a detrimental effect on these setts require a licence from Natural England, and work if approved should

3/09/0945/FP

be carried out between December and July. Issues of concern are the effect of the development, non obstruction of routes, and availability of foraging habitats. Natural England do not object to the proposal provided the mitigation as outlined in the report is incorporated into a planning condition

4.0 Town/Parish Council Representations

4.1 Hertford Town Council has no objections to the proposal

5.0 Other Representations

5.1 The application has been advertised by way of a press notice, site notice and neighbour notification.

5.2 No letters of representation have been received

6.0 Policy

6.1 The relevant Local Plan policies in this application include the following:-

ENV1 Design and Environmental Quality
ENV5 Extensions to dwellings
ENV6 Extensions to dwellings: criteria
BH5 Extensions and Alterations to Unlisted Buildings in Conservation Areas
ENV14 Local Sites
ENV16 Protected Species

6.2 In addition to the above it is considered that Planning Policy Guidance 1, (Delivering Sustainable Development) and PPS9 (Biodiversity and Geological Conservation) is a consideration within this application.

7.0 Considerations

7.1 The site is located within the urban residential area of Hertford wherein policies ENV1, ENV5, ENV6 and BH5 apply.

7.2 As regards policy ENV1 the proposal is sympathetically sited, occupying an area of the curtilage away from the adjacent property.

7.3 In terms of scale, height, size, form and materials of construction the proposal compliments the existing dwelling and respects its character and appearance, extending the development at single storey level in a south westerly direction to take advantage of the views across the allotments adjacent Green Belt and Wildlife site.

- 7.4 The proposal displays a high standard of design and layout; integrates well with the existing dwelling and the surrounding character of the locality, and respects the amenities of the occupiers of the adjacent No 18 Leahoe Gardens, whose amenities as regards privacy, noise and disturbance and outlook would not be affected in accordance with policies ENV1, ENV5 and ENV6.
- 7.5 The site is also located within Hertford Conservation Area wherein policy BH5 applies and requires that extensions and alterations should be sympathetic in terms of scale, height, proportion, form, materials and siting in relation to the building itself, any adjacent buildings and the general character and appearance of the area.
- 7.6 Officers are satisfied that the proposal would enhance the character and appearance of the dwelling and would not detract from the character and appearance of the Conservation Area in accordance with the provisions of policy BH5.

Protected Species & Wildlife Sites

- 7.7 The site is located some 160m from an established Badger Sett, with two small proximity badger holes/setts close to the site of the proposed development as identified on the recent Badger Survey.
- 7.8 Specialist advice from Natural England is that there are no objections to the proposed extension provided the two small holes/ setts are closed up and the Badgers excluded. It is envisaged that this will not affect the main sett or the local population of badgers and will ensure they are not harmed or affected by the construction works in accordance with policy ENV16 and National Guidance PPS9.
- 7.9 The application site is located adjacent to the wildlife site WS 59/079 wherein proposals for development will be permitted provided there is no adverse effect on the sustainability of the wildlife, flora, fauna and habitats. In this instance there is no adverse impact from the development and the statutory consultees recommend that with mitigation measures identified in the Badger Survey the proposed development is acceptable in accordance with policy ENV14 of the Local Plan.
- 7.10 There are no highway implications as parking is provided outside of the application site on the shared elevated land in Leahoe Gardens.

7.11 The new extension would be viewed by users of the Wallfields Alley public Footpath which passes other residential dwellings as an urban footpath. It is considered that there would be no adverse impact on the users of the footpath. Although the extension would be viewed by the public in passing, it would be at a distance as an extension of the existing dwelling; flush with the existing building line and behind a fence.

8.0 Conclusion

8.1 Having regard to the above considerations Officers are satisfied that the proposed siting, design, scale and appearance of the extension and decking are such that the proposal would not result in any adverse impact on the character and appearance of the site; the Conservation Area; the neighbours amenity; or to protected species.

8.2 It is therefore recommended that planning permission be approved subject to the conditions outlined at the head of this report