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6 September 2016

Dear Sirs

45 Northaw Road East, Cuffley, EN6 4LU

We act on behalf of Mrs K Anklesaria owner/occupier of the above property. This letter is prepared to accompany an application to remove Condition 2 of planning permission Ref: 6/2016/0391/VAR (which was a variation of the original permission Ref: 6/2015/2223/HOUSE).

The original application granted planning permission for the erection of a single storey side/rear extension including extending the roof to form habitable accommodation. It was subject to 2 conditions – Condition 1 listed the drawing numbers and Condition 2 referred to the materials.

The development as constructed differed slightly from the approved plans, primarily with a parapet wall having been added at the edge of the side extension (adjacent to No.47). No matters in respect of the windows changed and indeed the dormer windows were reduced slightly in size (albeit the dormer structures themselves were the same size as the original approval). Whilst the layout at first floor level slightly changed there were no new or additional windows to habitable rooms. The “variation” application simply sought the LPA’s agreement to vary the drawing numbers in Condition 1.

Despite this the Council, when granting the variation permission on 18 August 2016, unreasonably added a new condition – No.2 – requiring all side facing dormer windows to be glazed with obscure glass and be fixed so as to be incapable of being opened below a height of 1.8m and retained as such thereafter (with a further requirement that the obscure glazing be installed within 3 months of the date of the decision).

It is considered that this condition is both unreasonable and unnecessary (in terms of the tests set out at Para 2.06 of the National Planning Policy Framework).

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Principal: Carolyn Aparc BA Hons. MRTPI

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Fundamental to this matter is the fact that the Appellant could alter the development as constructed to comply with the originally approved plans under Ref: 6/2015/2223/HOUSE. That permission remains extant and, as referred to above, is not the subject of any condition limiting the nature of the dormer windows. This is a fundamentally important and highly relevant material consideration. The variation which the Council have since approved does not result in any increased likelihood of overlooking. The windows are no higher and are in the same positions. It is in view of this that Condition 2 of planning permission Ref: 6/1026/0391/VAR is considered to be unreasonable.

Furthermore it is considered that the condition is unnecessary.

On the facing roof slope of 47 Northaw Road East is a dormer window which is known to be to a staircase – not a habitable room. There are three rooflights which are understood to be to two bedrooms but these are positioned high in the roof slope of No.47 and there is no overlooking down into these rooms. The rear dormer window on the south facing roof slope of the application premises is to the master bedroom; that window is already entirely of obscured glazing.

As regards No.43 there are three raised and slightly angled rooflights on the flat roof of a single storey side extension adjacent to the boundary with No.45. That closest to the street is understood to be to a store/garage; not a habitable room. It is that which is seen from the north facing side dormer window of the front bedroom at No.45. There is no overlooking from the middle dormer on the north side of No.45 – this is a window to the staircase/landing which is not a habitable room and, in any event, there are no windows or rooflights visible on the roof of No.43 through this window. The two raised/angled rooflights towards the rear of the side extension of No.45 are understood to be to a kitchen/living room but these would only be seen from the en-suite bathroom dormer window on the northern side of the roof slope of No.45 with that window already being fully obscured.

Given that the imposition of Condition 2 on planning permission Ref: 6/2016/0391/VAR is both unreasonable and unnecessary we trust that the Local Authority will agree to its removal in its entirety.

Yours faithfully

Carolyn Apcar

c.c. Mrs K Anklesaria