

**WELWYN HATFIELD BOROUGH COUNCIL
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

DELEGATED APPLICATION

Application No: 6/2020/1126/HOUSE
Location: 40 Vineyards Road Northaw Potters Bar EN6 4PA
Proposal: Loft conversion with 2 x rear dormers and 2 x front facing roof lights
Officer: Mr Tom Gabriel

Recommendation: Granted

6/2020/1126/HOUSE

Context	
Site and Application description	<p>The application site comprises a previously extended detached dwelling in a large plot. The site is washed over by the Green Belt.</p> <p>Whilst the description of the proposal includes “2 x front facing roof lights”, it is likely that these could be installed under permitted development without requiring an application to be submitted for planning permission. The proposed dormers require planning permission because the cubic content of the resulting roof space would exceed the cubic content of the original roof by more than 50m³ when considered cumulatively with previous extensions to the dwelling. This being case, the proposed dormers would exceed the limitations of schedule 2, Part 1, Class B of The Town and Country (General Permitted Development) Order 2015 (as amended).</p>
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0 PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0 Wards - Northaw & Cuffley - Distance: 0 A4D - ARTICLE 4 DIRECTION - Distance: 0</p>
Relevant planning history	<p>Application Number: S6/1989/0894/FP Decision: Granted Decision Date: 08 December 1989 Proposal: Demolition of existing single storey side extension and erection of two storey side extension and detached garage</p> <p>Application Number: S6/1990/0167/FP Decision: Granted Decision Date: 19 March 1990 Proposal: Erection of fencing to enclose existing tennis court</p> <p>Application Number: S6/2009/0435/FP Decision: Granted Decision Date: 28 April 2009 Proposal: Erection of a single storey rear extension</p>

	Application Number: 6/2020/0851/LAWP Decision: Refused Decision Date: 24 April 2020 Proposal: Certificate of lawfulness for the installation of 2x front facing roof lights and 2x rear dormers to facilitate loft conversion Reason for refusal: The proposal fails to comply with the conditions and limitations of Schedule 2, Part 1, Class B of The Town and Country (General Permitted Development) Order 2015 (as amended).		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Neighbour notification letters		
Summary of neighbour responses	None received		
Consultees and responses	None received		
Relevant Policies			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" type="checkbox"/> GBSP1 <input type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes Others: RA3			
Main Issues			
Is the development within the Green Belt?			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Comment (if applicable): Policy GBSP1 of the District Plan states that the Green Belt will be maintained in the borough as defined in the Proposals Map. <i>Appropriateness</i> Paragraph 145 of the NPPF outlines that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, apart from a limited number of exceptions. One of these exceptions is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. This approach is consistent with Policy RA3 of the District Plan. Neither the District Plan nor the NPPF provide any detailed guidance on how to determine whether an extension is disproportionate. This is, therefore, ultimately a planning judgement of fact and degree, which demands that each proposal is considered in relation to the size and appearance of the original building. The proposed increase in volume, footprint and floor area are commonly used indicators, however, as well as mathematical calculations, the visual impact of the extension has to be considered. The NPPF defines "original building" as a building as it existed in July 1948 or, if constructed after that date, as it was originally built. The footprint of the original dwelling measured approximately 89m ² , the floorspace measured approximately 178m ² , and the volume approximately 661m ³ . The two storey side extension and garage (ref: S6/1989/0894/FP) added approximately 65m ² to the footprint, approximately 96m ² of floorspace and approximately 337m ³ to the volume. A single storey rear extension added a further 23.56m ² to the footprint and floorspace together with approximately 71m ³ of volume. The converted			

Loft has added approximately 25m² of floorspace, but did not add to the volume of the dwelling. Compared to the original building, the existing dwelling is approximately 67% larger in footprint, 82% larger in floorspace and approximately 62% larger in volume. This increase is considered to be significant.

The proposal would add approximately 6m² of floorspace and 6m³ of volume to the dwelling.

Based independently on numerical calculations, it is reasonable to consider that the cumulative additions to the dwelling would be regarded as disproportionate in size when compared to the original property.

However, the NPPF does not limit the concept of proportionality to a mathematic assessment alone and an overall assessment of proportionality includes a qualitative assessment too. Whilst cumulatively the building has been enlarged significantly, in this case, the proposed dormers would add only very limited bulk and massing to the dwelling. Their scale would not overwhelm the rear roof slope or be readily visible from public viewpoints. Where they are visible, they would be unobtrusive, having been designed in a manner which relates well to the host dwelling and minimises their visual impact.

The proposed dormers would not markedly increase the scale of the building over and above existing. Consequently, in visual terms, the increase in the size of the building would be very limited. The very limited increase in floorspace and volume is largely mitigated by the positioning and design of the dormers. For these reasons, it is considered that the modest scale of the dormers would, neither individually or cumulatively, amount to disproportionate additions over and above the size of the original building. The development proposal would therefore represent an appropriate form of development in the Green Belt. As a consequence, the proposed works fall within the limitations set out in paragraph 145(c) of the NPPF and would by definition be appropriate development within the Green Belt.

The Courts have held that appropriate development is not harmful to Green Belt openness or the purposes of including land within it.

Would the development reflect the character of the area?

Yes No

Comment (if applicable): The dwelling, as further extended, would reflect the character of the area, where there are a number of very large dwellings, some with dormer windows.

Would the development reflect the character of the dwelling?

Yes No N/A

Comment (if applicable): The two dormer windows would be unobtrusive and in keeping with the scale of the host dwelling. They would be set down from the ridge height of the dwelling and would be subordinated to the roof of the dwelling.

Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)

Yes No N/A

Comment (if applicable):

Would the development provide / retain sufficient parking?

Yes No N/A

Comment (if applicable):

Conclusion

Subject to the suggested planning conditions, the proposed development would accord with all relevant local and national planning policies.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
1725SC_HH SH1	0	Location Plan, Block Plan, and Existing Drawings	20 May 2020
1725SC_HH SH2	A	Proposed Drawings	26 May 2020

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).

Informatives:

1. 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.
2. 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 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

Determined By:

Mr Mark Peacock
21 July 2020