

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

**DELEGATED APPLICATION**

**Application No:** 6/2020/2587/PN27  
**Location:** Manor Cottage Vineyards Road Northaw Potters Bar EN6 4PQ  
**Proposal:** Prior approval for the construction of an additional storey to facilitate the enlargement of the dwellinghouse to a maximum of approximately 8.986m in height.  
**Officer:** Ms Emily Stainer

**Recommendation:** Prior Approval Required and Refused

*6/2020/2587/PN27 These applications are for an assessment as to whether prior approval of those matters detailed within the legislation is required from the Council. However, other matters have been considered, but are not referred to as part of the decision letter. The contents of matters other than the prior approval considerations cannot be relied on as to the development's lawfulness. These require confirmation, if required by the developer, through the submission of an application for a Certificate of Lawful Use.*

Context	
Application Description	This applications seeks prior approval for the construction of an additional storey to facilitate the enlargement of the dwellinghouse to include a first floor level. The resultant building would be a maximum of approximately 8.986m in height (above ground floor level).
Relevant planning History	<p>Application Number: E6/1957/1479/  Decision: Granted  Decision Date: 23 January 1958  Proposal: Extension to bungalow.</p> <p>Application Number: E6/1958/0396/  Decision: Granted  Decision Date: 17 April 1958  Proposal: Temporary site for caravan.</p> <p>Application Number: E6/1968/0856/  Decision: Refused  Decision Date: 13 June 1968  Proposal: Extension to form living room, 4 bedroom and bathroom.</p> <p>Application Number: E6/1969/0499/  Decision: Granted  Decision Date: 27 March 1969  Proposal: Extension to bungalow.</p> <p>Application Number: S6/2009/1131/FP  Decision: Refused  Decision Date: 04 September 2009  Proposal: Erection of two storey side extension and new front gable to roof</p>

Application Number: 6/2017/2646/PN8  
Decision: Prior Approval Refused  
Decision Date: 22 December 2017  
Proposal: Prior approval for the erection of a single storey rear extension measuring 8m in depth, 2.8m in height and 2.541m to the eaves.

Application Number: 6/2017/2664/LAWP  
Decision: Refused  
Decision Date: 15 January 2018  
Proposal: Certificate of Lawfulness for the erection of 2x single storey side extensions, erection of outbuilding and the installation of dormer widow

Application Number: 6/2018/0048/PN8  
Decision: Prior Approval Required and Refused  
Decision Date: 15 February 2018  
Proposal: Prior approval for the erection of a single storey rear extension measuring 8 in depth, 2.843m in height and 2.543m to the eaves

Application Number: 6/2018/0297/LAWP  
Decision: Refused  
Decision Date: 11 April 2018  
Proposal: Certificate of lawfulness for the erection of two single storey side extensions and an outbuilding

Application Number: 6/2018/0713/PN8  
Decision: Prior Approval Not Required  
Decision Date: 19 April 2018  
Proposal: Prior approval for the erection of a single storey rear extension measuring 8m in depth, 2.441m in height and 2.280 to the eaves

Application Number: 6/2018/1107/LAWP  
Decision: Refused  
Decision Date: 21 June 2018  
Proposal: Certificate of lawfulness for the erection of side extension and outbuilding

Application Number: 6/2018/1666/LAWP  
Decision: Granted  
Decision Date: 04 September 2018  
Proposal: Erection of single storey side extension

Application Number: 6/2018/1967/LAWP  
Decision: Refused  
Decision Date: 05 October 2018  
Proposal: Certificate of lawfulness for erection of outbuilding

Application Number: 6/2020/1980/HOUSE  
Decision: Refused  
Decision Date: 09 November 2020  
Proposal: New entrance gate and driveway

**The main issues are:**

- 1. Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended**

**Part 1: Development within the curtilage of a dwellinghouse**

**Part AA: the enlargement of a dwellinghouse by construction of additional storeys**

**Development is Not Permitted be Class A if -**

	Yes / No	To be PD
The permission to use any of the property been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule?	<b>N</b>	<b>N</b>
The dwelling house is located on – i. article 2(3) land; or ii. A SSSI	<b>N</b>	<b>N</b>
The dwellinghouse was constructed before 1 July 1948 or after 28 October 2018	<b>N</b>	<b>N</b>
The existing house has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise	<b>N</b>	<b>N</b>
Following the development the height of the highest part of the roof of the dwellinghouse would exceed 18m	<b>N – 8.986m</b>	<b>N</b>
Following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than i. 3.5m, where the existing dwellinghouse consists of one storey; or ii. 7m, where the existing dwellinghouse consists of more than one storey	<b>N – 3.5m</b>	<b>N</b>
the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres— i. in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or ii. in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;	<b>N/A - Detached</b>	<b>N</b>
the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— i. 3 metres; or ii. the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;	<b>N – 2.3m</b>	<b>N</b>
any additional storey is constructed other than on the principal part of the dwellinghouse;	<b><u>Y – see discussion</u></b>	<b>N</b>
the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development	<b>N</b>	<b>N</b>
the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.	<b>N</b>	<b>N</b>

<b>Conditions that the development must apply for Prior Approval for:</b>		
The impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;	<b>See below</b>	
the external appearance of the dwellinghouse, including the design and architectural features of—  (aa)the principal elevation of the dwellinghouse, and  (bb)any side elevation of the dwellinghouse that fronts a highway;	<b>See below</b>	
Air traffic and defence asset impacts of the development	<b>See below</b>	
Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to protected views dated 15 March 2012 (3) issued by the SofS	<b>See below</b>	
<b><u>Discussion</u></b>		
<p>Paragraph AA.1 (i) states that development is not permitted by Class AA if any additional storey is constructed other than on the principal part of the dwellinghouse. Paragraph AA.4 (1) additionally clarifies that for the purposes of Class AA, the “principal part” in relation to a dwellinghouse means the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition.</p> <p>The property currently benefits from a single storey front extension with a flat roof which has a lower height than the ridge of the existing dwelling. The proposed new storey would extend above the existing single storey flat roofed projection to create a two storey element, therefore it is considered an additional storey is constructed other than on the principal part of the dwellinghouse, in conflict with the above criteria.</p>		
<b>Discussion where matters require prior approval</b>		
Impact on Amenity	<p>In accordance with section AA.2 (3) (a) (i) of Schedule 2, Part 1, Class AA of The Town and Country (General Permitted Development) Order 2015 (as amended), the local planning authority shall consider the impact on the amenity of any adjoining premises. No neighbour comments have been received.</p> <p>A site visit was made by the case officer in October 2020, but only from public vantage points due to the restrictions in place as a result of the Coronavirus pandemic (COVID-19). A suitable level of information has been acquired in which to make a full and thorough assessment by use of the case officer’s photographs taken from the street scene, additional photographs provided by the applicant and aerial imagery from 2020 on the council’s mapping system. The specific merits of this case means that a full and complete assessment can be made in respect of this particular application.</p> <p>The application property is situated a sufficient distance away from surrounding properties to prevent a substantial impact occurring any impact with regard to an overbearing impact or a loss of light.</p> <p>In terms of privacy, the front windows within the new storey of the existing dwelling would afford views towards the north of the site and towards the residential garden of Nyn Manor Cottage.</p>	

	<p>Nonetheless, the rooms the windows would serve consist of three bathrooms and two wardrobes. It is therefore unlikely that extended periods of time would be spent in these rooms compared to the main habitable rooms at the property. Rooflights would also be installed in the roof space of the resultant second floor which would be modest in scale and serve bedrooms and a landing area. All of the proposed windows/rooflights on the front of the proposed dwelling are labelled as being obscure glazed on the submitted plans, therefore, the resulting relationship would be unlikely to significantly impact upon the privacy of the occupiers of Nyn Manor Cottage. Subsequently the resulting relationship would not result in an undue loss of privacy.</p>
<p>External Appearance</p>	<p>In accordance with section AA.2 (3) (a) (ii) of Schedule 2, Part 1, Class AA of The Town and Country (General Permitted Development) Order 2015 (as amended), the local planning authority shall consider the external appearance of the dwellinghouse, including the design and architectural features of the following:</p> <p>(aa )the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway.</p> <p>The existing property is finished with a pitched, gable-end style roof and benefits from single storey elements including a front extension with a flat roof and a conservatory to the side. These elements appear as subordinate additions to the main dwelling.</p> <p>The proposed additional storey would be visible from public vantage points as well as from neighbouring dwellings and their gardens. The proposal indicates a pitched gable-end roof above the main dwelling with a two storey flat roofed projection at the front of the property. Whilst the roof design of the majority of the resultant dwelling would be in keeping with the existing dwelling, the proposed front facing two storey projection, by virtue of its flat roof form, would fail to complement and reflect the design and character of the principal part of the host dwelling and would appear as a discordant addition which would contrast with the pitched roof design of the principal dwelling to its detriment.</p> <p>It is acknowledged that the applicant has attempted to replicate the existing pattern of fenestration on the additional storey and resulting roof slope via the addition of numerous windows and rooflights on both the front and rear elevation of the dwelling. Nonetheless, the proliferation of windows and rooflights are considered to be excessive which result in a cluttered and fussy appearance.</p> <p>The comments above demonstrate that the proposed development would fail to take the opportunities available for enhancing or improving the character and quality of the existing dwelling and the surrounding area. Consequently the proposed dwelling would represent a poor standard of design which would be detrimental to the character and appearance of the application site.</p>

Air traffic and defence impacts	The dwelling would have minimal impact on air traffic and defence assets.
Whether because of the siting of the building, the development will impact on a protected view	The development would not impact on a protect view identified in the Directions Relating to Protected Vistas.
<p><b>RECOMMENDATION</b>  <b>Prior approval required and refused</b></p> <p>The proposal has been assessed against Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and <b>prior approval is required and refused</b> for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The additional storey is constructed above a part of the property which is not the principal part of the dwellinghouse. The proposed development therefore conflicts with Paragraph AA.1 (i) of Class AA, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).</li> <li>2. The proposed two storey front projection, by virtue of its flat roof design, would fail to complement and reflect the design and character of the principal part of the host dwelling and would appear as a discordant addition which would contrast with the pitched roof design of the principal dwelling to its detriment. Furthermore, the proliferation of windows and rooflights at the property would be excessive and result in a cluttered and fussy appearance. Consequently, the proposed dwelling would represent a poor standard of design which would be detrimental to the character and appearance of the application site.</li> </ol>	

**Reasons for Refusal:**

1. The additional storey is constructed above a part of the property which is not the principal part of the dwellinghouse. The proposed development therefore conflicts with Paragraph AA.1 (i) of Class AA, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
2. The proposed two storey front projection, by virtue of its flat roof design, would fail to complement and reflect the design and character of the principal part of the host dwelling and would appear as a discordant addition which would contrast with the pitched roof design of the principal dwelling to its detriment. Furthermore, the proliferation of windows and rooflights at the property would be excessive and result in a cluttered and fussy appearance. Consequently, the proposed dwelling would represent a poor standard of design which would be detrimental to the character and appearance of the application site.

**REFUSED DRAWING NUMBERS**

3.	<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
	TDC065/PL /LOC		Site location plan	16 September 2020

TDC065/EX /101	A	Existing site and floor plans	22 September 2020
TDC065/PL /101	A	Proposed site, roof and floor plans	22 September 2020
TDC065/EX /102	A	Existing elevations	22 September 2020
TDC065/PL /102	B	Proposed Elevations	5 October 2020

**Determined By:**

Mr Mark Peacock  
1 December 2020