

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

DELEGATED APPLICATION

Application No: 6/2020/2740/PN27
Location: 53 The Ridgeway Cuffley Potters Bar EN6 4BD
Proposal: Prior approval for the construction of an additional storey to facilitate the enlargement of the dwellinghouse to a maximum of approximately 8.68m in height.
Officer: Mr Antoine Commenville

Recommendation: Prior Approval Required and Refused

6/2020/2740/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	<p>This application seeks prior approval for the construction of an additional storey to facilitate the enlargement of the dwellinghouse at first floor and include a second floor level. The resultant building would be a maximum of approximately 8.68m in height.</p> <p>Comments have been received from Natural England indicating that impacts to statutory designated nature conservation sites (European sites or Sites of Special Scientific Interest) are likely. The designated site which could be impacted by this proposal is the Northaw Great Wood Site of Special Scientific Interest (SSSI). However it is noted that the SSSI is located to the other side of the road, separated by The Ridgeway and located approx. 28m from the proposed development. Furthermore, the development would not increase the footprint of the dwellinghouse and would only involve upper floor extensions. Notwithstanding the above, the application site is not located within Northaw Great Wood Site of Special Scientific Interest (SSSI) and as discussed below this proposal is therefore considered to comply with Criteria AA.1 (b) of Class A.A of Part 1, Schedule 2 of the Permitted Development Order (England) 2015, as amended.</p>
Relevant planning History	<p>Application Number: E6/1953/0732/ Decision: Granted Decision Date: 1953 Proposal: Detached bungalow with private garage</p> <p>Application Number: E6/1965/2342/ Decision: Granted Decision Date: 05 January 1966 Proposal: Extension to bungalow</p>

	<p>Application Number: S6/2009/0704/FP Decision: Refused Decision Date: 18 June 2009 Proposal: Erection of side extension replacing existing garage with proposed alterations to roof</p> <p>Application Number: S6/2010/0270/LU Decision: Refused Decision Date: 26 March 2010 Proposal: Certificate of lawfulness for proposed single storey rear & side extensions. alteration of existing rear hip to main roof to form a gable and two side dormer windows</p> <p>Application Number: S6/2010/0659/LU Decision: Granted Decision Date: 12 May 2010 Proposal: Certificate of lawfulness for proposed alterations to existing roof to include formation of new rear gable and two side dormers</p> <p>Application Number: S6/2010/2926/LU Decision: Refused Decision Date: 28 January 2011 Proposal: Erection of single storey rear and side extensions and replacement garage</p> <p>Application Number: S6/2011/0232/FP Decision: Granted Decision Date: 26 April 2011 Proposal: Removal of upstand to front, part side elevations and replacement with tiled pitched roof in line with existing improvements to front elevation</p> <p>Application Number: S6/2011/0835/LU Decision: Granted Decision Date: 30 June 2011 Proposal: Certificate of Lawfulness for a proposed single storey rear and side extensions and replacement garage</p>
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The main issues are:

1. Whether the proposed works are permitted development by virtue of Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

Part 20: Construction of New Dwellinghouses

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?	N	N
The dwelling house is located on –	N	N

i. article 2(3) land; or ii. A SSSI		
The dwellinghouse was constructed before 1 July 1948 or after 28 March 2018	N	N
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	N	N
Following the development the height of the highest part of the roof of the dwellinghouse would exceed 18m	N – 8.68m	N
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	N – 2.35m	N
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;	N/A Detached	N
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;	N – 2.4m	N
any additional storey is constructed other than on the principal part of the dwellinghouse;	Y – see discussion	N
the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development	N	N
the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.	N	N
Conditions that the development must apply for Prior Approval for:		
The impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;	See below	
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;	See below	
Air traffic and defence asset impacts of the development	See below	
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	See below	
<u>Discussion</u>		
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.

The property currently benefits from a single storey front extension approved under LPA E6/1965/2342/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 and half 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.

Discussion where matters require prior approval

Impact on Amenity

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.

The properties either side of the application site (51 and 55 The Ridgeway) are two storey in nature. The proposed additional storey would result in additional massing, bulk and built form at the address, however the resultant dwelling would feature a part pitched roof which pitches away from the boundary and it would not encroach upon the boundaries of the neighbouring properties any further than the existing property. The impact upon the neighbouring properties would therefore be acceptable as a result of the distance between the neighbouring properties and the extended dwelling as it would not be unduly over dominant or result in a significant loss of light to adjoining premises.

In regards to privacy, no side windows are proposed within the new storey of the existing dwelling. The proposed rear windows would serve bedroom and a bathroom at first floor and a bathroom at the second floor. It is noted that windows serving bedrooms currently exist at first floor. The proposed rear windows would afford views to the south of the site towards the residential gardens of 51 and 55 The Ridgeway. Nonetheless, the views would predominantly be to the rear garden of the application site. Whilst there is potential for overlooking to parts of the rear gardens of the neighbouring properties, due to the positions of the windows these would be at an oblique view rather than a direct view. Some degree of overlooking is also acceptable which would be consistent with a neighbouring relationship generally expected between residential properties. Subsequently the resulting relationship would not result in an undue loss of privacy.

External Appearance

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:

(aa) the principal elevation of the dwellinghouse, and
(bb) any side elevation of the dwellinghouse that fronts a highway. The proposed additional storey to the dwelling would continue the existing roof form and style of the original dwelling, including the pitched roof and architectural features. The proposed windows

	would be in keeping with the style and fenestration pattern of the principal elevation of the existing dwelling too. In addition, the additional floor and roof would be constructed using matching materials to the existing dwelling. On this basis it is considered the design and architectural features of the resultant dwelling would respect the principal elevation and design of the existing dwelling.
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>RECOMMENDATION Prior approval required and refused</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 prior approval is required and refused for the following reason:</p> <ol style="list-style-type: none"> The additional storey would be 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). 	

Reasons for Refusal:

- The additional storey would be 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).

REFUSED DRAWING NUMBERS

- | Plan Number | Revision Number | Details | Received Date |
|--------------------|------------------------|-----------------------------|----------------------|
| 14187-S001-1st | | Existing Plans & Elevations | 20 October 2020 |
| 14187-P001-B | | Proposed Plans & Elevations | 20 October 2020 |

Determined By:

Mr Mark Peacock
17 December 2020