

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

DELEGATED APPLICATION

Application No: 6/2020/3347/PN27
Location: Manor Cottage Vineyards Road Northaw Potters Bar EN6 4PQ
Proposal: Prior approval for an additional storey on the existing property
Officer: Mr Sukhdeep Jhooti

Recommendation: Prior Approval Required and Granted

6/2020/3347/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> <p>Application Number: 6/2017/2646/PN8 Decision: Prior Approval Refused Decision Date: 22 December 2017</p>

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

Application Number: 6/2020/2587/PN27

Decision: Prior Approval Required and Refused

Decision Date: 01 December 2020

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.

	<p>The above application was refused for the following reasons:</p> <ol style="list-style-type: none"> <i>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).</i> <i>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.</i> <p>Application Number:6/2021/0004/HOUSE – Concurrent application Proposal: Construction of new access and crossover</p> <p>Application Number:6/2021/0022/LAWP – Concurrent application Proposal: Certificate of lawfulness for erection of gates and supporting piers</p>
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The main issues are:

- 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 – i. article 2(3) land; or ii. A SSSI	N	N
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- 8.986M	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 if one storey; or	N - 3.5m	N

ii. 7m, where the existing dwellinghouse consists of more than one storey		
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 -2.3m	N
any additional storey is constructed other than on the principal part of the dwellinghouse;	N	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	
Discussion where matters require prior approval		
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 January 2021, 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</p>	

	<p>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. 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 single storey flat roof projection as per existing. The roof design of the resultant dwelling would be in keeping with the existing dwelling. The proposal would adequately reflect and relate to the design and character of the host dwelling.</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.</p> <p>The level of rooflights proposed have been reduced from the previous refusal and the proposed rooflights would now not appear over-dominant within the roofslopes of the application dwelling in terms of their number, size, scale and profile. The proposed glazing would be well-positioned and proportionate. It would not now result in an unduly cluttered appearance. The existing dwelling has a lot of glazing at present so the proposed fenestration would not appear unusual or out of character with the existing house.</p>
<p>Air traffic and</p>	<p>The dwelling would have minimal impact on air traffic and defence assets.</p>

defence impacts	
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.

Recommendation

Prior approval required and approved

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 approved** subject to the inclusion of a condition requiring the proposed development to be carried out in accordance with the submitted construction management plan.

DRAWING NUMBERS

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
TDC065/PL/L OC		Site Location Plan	15 December 2020
TDC065/EX/ 101	A	Existing Plans and Site	15 December 2020
TDC065/EX/ 102	A	Existing Elevations	15 December 2020
TDC065/ PL/101	B	Proposed Plans A1	15 December 2020
TDC065/ PL/102	C	Proposed Elevations	15 December 2020

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

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. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
3. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
4. 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
4 February 2021