

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

**DELEGATED APPLICATION**

**Application No:** 6/2021/0631/PN27  
**Location:** 35 Northaw Road East Cuffley Potters Bar EN6 4LU  
**Proposal:** Prior approval for the construction of an additional storey to facilitate the enlargement of the dwellinghouse to a maximum of approximately 9.607m in height  
**Officer:** Ms Emily Stainer

**Recommendation:** Prior Approval Required and Granted

6/2021/0631/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.*

<b>Context</b>		
Application Description	This application seeks prior approval for the construction of an additional storey to facilitate the enlargement of the dwellinghouse to a maximum of approximately 9.607m in height.	
Relevant planning History	Application Number: S6/1975/0142/ Decision: Refused Decision Date: 07 May 1975 Proposal: Loft conversion  Application Number: S6/2004/0848/FP Decision: Refused Decision Date: 06 September 2004 Proposal: Change of use from residential dwellinghouse, to part day nursery part residential dwelling	
<b>The main issues are:</b>		
<p align="center"><b>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</b></p> <p align="center"><b>Part 1: Development within the curtilage of a dwellinghouse</b>  <b>Part AA: the enlargement of a dwellinghouse by construction of additional storeys</b></p>		
<b>Development is Not Permitted be Class A if -</b>		
	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 – 9.607m	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 – 2.8m	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 - 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 – 2.5m	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
<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;	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	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.

Three adjoining neighbours have commented on the proposed development, 33 Northaw Road East (to the north) and 38 and 40 Theobalds Road to the rear. The comments are summarised below for reference but are published in full on the Council's website:

- Loss of privacy to gardens and properties
- Loss of daylight and sunlight
- The proposed building would look an eyesore between the two bungalows
- Overbearing impact
- A three storey house in an area where all properties are bungalows or two storey houses will set a precedent and encourage similar extensions to nearby dwellings.
- It would create a new and unpleasant horizon

A site visit was made by the case officer but only from public vantage points due to the restrictions in place as a result of the Coronavirus pandemic (COVID-19). However, 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 streetscene, additional photographs provided by the applicant and imagery online. The specific merits of this case means that a full and complete assessment can be made in respect of this particular application.

The comments above relating to the design of the resultant dwelling are noted, however the Local Planning Authority (LPA) are not able to assess the principle of an additional storey under this type of prior approval application. Only the external appearance, including the design and architectural features of the new dwelling can be assessed. A discussion on this follows underneath this section.

With regard to overbearing impact, it is acknowledged that the majority of the dwellings in the surrounding area are single storey bungalows, therefore the introduction of a two storey dwelling with a habitable roof space would inevitably introduce additional built form compared to what currently exists on the site.

33 Northaw Road East benefits from a dormer window in the side elevation facing the application property. Historic planning records have been consulted and it is considered that this dormer was approved under application S6/1992/0205/FP. The current relationship which exists has therefore been created as a result of the construction of the side dormer at No.33 and the decisions that were taken regarding the layout of this building at that time. The submitted floor plans for that application show that the dormer windows serve two bedrooms, however these are secondary windows to the rooms which also benefit from a front and rear facing window in the roofslope. As these are not the

	<p>primary windows to the bedrooms, and the submitted street scene elevation plan demonstrates that there would be approximately 4m separation distance between the dormer windows and the extended application property, it is not considered the resultant dwelling would be overbearing or result in a loss of light which would be detrimental to the extent to refuse the application.</p> <p>37 Northaw Road East lies to the south of the site and features windows at ground floor level. As the flank wall of the existing property already faces the dwelling in this location, and approximately 4m distance would be retained between the two dwellings, the impacts on the occupiers of No.37 are considered to be acceptable.</p> <p>No side windows are proposed at first floor level, and although the new storey would introduce views at first floor level which are not currently possible, this would not be dissimilar to views that can be obtained from the properties which have converted loft spaces in the area. Views from the Juliet balcony would predominantly be to the large rear garden of the application site, and whilst there is potential for overlooking to parts of neighbouring gardens, the views from the Juliet balcony would not be dissimilar to views from existing rear windows in the area. Furthermore, due to the sloping land levels, the dwellings to the rear may already be overlooked to some extent. Some degree of overlooking is acceptable which would be consistent with a neighbouring relationship generally expected between residential properties. The submitted site plan additionally demonstrates that there would be a distance of approximately 33m between the rear wall of the first floor element of the resultant dwelling and the rear boundary of the site. This is considered to be an acceptable back to back distance between plots in a residential area, therefore it is considered the resultant dwelling would not result in a loss of light, overbearing impact or loss of privacy to the adjoining occupiers to the rear.</p> <p>Accordingly, the proposal is considered to result in an acceptable impact on neighbouring amenity.</p>
External Appearance	<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 proposed additional storey to the new dwelling would continue the existing roof form and style of the original dwelling, including the hipped roof and architectural features. The proposed windows would be in keeping with the size and fenestration pattern of the principal elevation of the existing dwelling too. In</p>

	addition, the new storey 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.
<b>RECOMMENDATION</b>	
<b>Prior approval required and granted</b>	
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 granted</b> . This is subject to a condition requiring the development to be carried out in accordance with the construction management plan that was submitted on 24 <sup>th</sup> February 2021 which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated.	

### **Conditions:**

1. The development hereby approved must be carried out in accordance with the submitted Construction Management Plan (ADP London) submitted to the Council on the 24 February 2021.

REASON: To ensure any adverse impacts of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated in accordance with paragraph AA.2 (b) of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the NPPF.

### DRAWING NUMBERS

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
A101		Existing Floor Plans	24 February 2021
A102		Existing Roof Plan and Section AA & BB	24 February 2021
A103		Existing Elevations	24 February 2021
A100		Location and Site Plans	25 February 2021
A104		Proposed Ground Floor Plan	25 February 2021
A105		Proposed First Floor Plan	25 February 2021
A106		Proposed Loft Floor Plan	25 February 2021

A107	Proposed Roof Plan	25 February 2021
A108	Proposed Section BB	25 February 2021
A109	Proposed Section AA	25 February 2021
A110	Proposed Front Elevation	25 February 2021
A111	Proposed Rear Elevation	25 February 2021
A112	Proposed Side Elevation	25 February 2021
A113	Proposed Other Side Elevation	25 February 2021
A114	Proposed Street View	25 February 2021

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

**Informatives:**

1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of :

8.00am and 6.00pm on Mondays to Fridays  
8.00am and 1.00pm Saturdays  
and at no time on Sundays and Bank Holidays

2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times

3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions

4. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.

5. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.

6. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.

7. All pile driving shall be carried out by a recognised noise reducing system.

8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material

9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.

10. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.

11. Any emergency deviation from these conditions shall be notified to the Council without delay

12. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.

13. Permissible noise levels are not specified at this stage.

2. 1. All efforts shall be made to reduce dust generation to a minimum.
2. Stock piles of materials for use on the site or disposal, that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.
3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.

**Determined By:**

Mr Mark Peacock  
21 April 2021