

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

**DELEGATED APPLICATION**

**Application No:** 6/2021/1144/VAR  
**Location:** 50 Plough Hill Cuffley Potters Bar EN6 4DS  
**Proposal:** Variation of condition 3 (approved plans) on planning permission 6/2019/2591/HOUSE  
**Officer:** Mr David Elmore

**Recommendation:** Granted

6/2021/1144/VAR

<b>Context</b>	
<b>Site and Application description</b>	<p>This is a Section 73 application for variation of condition 3 (approved plans) of planning permission 6/2019/2591/HOUSE. The variations include:</p> <ul style="list-style-type: none"> <li>- Change of windows on front elevation to central sash with side light panels</li> <li>- Details of external materials. This includes: <ul style="list-style-type: none"> <li>o Roof tile - Marley Concrete Plain Roof Tile Smooth Grey</li> <li>o Front wall - white k render silicone</li> <li>o Windows - White uPVC</li> </ul> </li> </ul>
<b>Constraints (as defined within WHDP 2005)</b>	<p>PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0  Wards - Northaw &amp; Cuffley - Distance: 0  A4D - ARTICLE 4 DIRECTION - Distance: 0  HEN - No known habitats present (medium priority for habitat creation) - Distance: 0  SAGB - Sand and Gravel Belt - Distance: 0</p>
<b>Relevant planning history</b>	<p>Application Number: 6/2019/2591/HOUSE  Decision: Granted  Decision Date: 13 January 2020  Proposal: Erection of a ground floor side/rear and first floor extension, including the construction of a rear dormer and installation of rooflights to facilitate the creation of habitable space within the loft and erection of front boundary wall and gates</p> <p>Application Number: 6/2019/1089/HOUSE  Decision: Granted  Decision Date: 04 July 2019  Proposal: Erection of a ground floor rear/side and first floor extension, including the construction of a rear dormer and installation of rooflights to facilitate the creation of habitable space within the loft</p> <p>Application Number: S6/1977/0669/  Decision: Granted  Decision Date: 30 January 1978  Proposal: Single storey side and rear extensions</p>

<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	Neighbour letters sent		
<b>Summary of neighbour responses</b>	No representations received		
<b>Consultees and responses</b>	No representations received		
<b>Relevant Policies</b>			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Others			
<b>Main Issues</b>			
<b>Would the development reflect the character of the area?</b>			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Would the development reflect the character of the dwelling?</b>			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Would the development maintain the amenity of adjoining occupiers?</b> (e.g. privacy, outlook, light etc.)			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Other considerations</b>			
<u>Re-imposition of planning conditions for planning permission 6/2019/2591/HOUSE</u>			
<p>A successful application to amend condition 3 would result in the issue of what would be in effect a new planning permission, sitting alongside the original permission. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.</p> <p>Planning permission 6/2019/2591/HOUSE was granted subject to 3 conditions.</p> <p>Condition 1 requires the roof tile of the approved extensions to match the roof tile of the existing dwelling in relation to colour and texture. The varied plans however propose different roof tiles for the dwelling which are acceptable. Condition 1 would therefore fall away in the event of a grant of planning permission.</p> <p>Condition 2 requires upper floor windows located in a wall or roof slope forming a side elevation of the approved extension to be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter. The condition would be varied to reference 'development' rather than 'extension' as the impact on privacy of neighbours also includes side rooflights.</p> <p>Condition 3 refers to the approved plans and details.</p>			
<b>Conclusion</b>			
Subject to the suggested condition, the proposed development would accord with all relevant local and national planning policies.			

**Conditions:**

1. Any upper floor window located in a wall or roof slope forming a side elevation of the development hereby approved must be:

- Obscure-glazed; and
- Non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed);

and shall be retained in that form thereafter.

REASON: To protect the living conditions of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

**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>
760 -r(rev1) - 05		Existing and Proposed Front and Rear Elevations	10 June 2021
760 -r(rev1) - 01		Location Plan & Block Plan	10 June 2021
760 -r(rev1) - 03		Elevations for Gated Wall Proposal & Materials	10 June 2021
760 -r(rev1) - 02		Frontal Access and Gated Wall	10 June 2021
760 -r(rev1) - 04		Proposed Front Gated Wall and Existing and Proposed Block Plan (1:200)	10 June 2021
760 -r(rev1) - 06		Crown Roof Section Detail	10 June 2021
760 -r(rev1) - 08		Existing and Proposed Ground Floor Plan	10 June 2021
760 -r(rev1) - 07		Existing and Proposed Left & Right Elevations	10 June 2021
760 -r(rev1) - 10		Existing Roof Plan and Proposed Loft Plan	10 June 2021
760 -r(rev1) - 09		Existing and Proposed First Floor Plan	10 June 2021
760 -r(rev1) - 11		Existing and Proposed Roof Plan	10 June 2021

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](mailto: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](http://www.hertfordshirebc.co.uk)

### **Determined By:**

Mr Mark Peacock  
10 June 2021