

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

**DELEGATED APPLICATION**

**Application No:** 6/2022/0140/HOUSE  
**Location:** 35 Northaw Road East Cuffley Potters Bar EN6 4LU  
**Proposal:** Retention of single storey rear extension with roof terrace  
**Officer:** Ms Elizabeth Mugova

**Recommendation:** Granted

6/2022/0140/HOUSE

<b>Context</b>	
<b>Site and Application description</b>	<p>The application dwelling is a detached property located on the east side of Northaw Road East in Cuffley.</p> <p>The application property benefits from planning permissions 6/2021/1831/HOUSE and 6/2021/2748/PN8. These permissions remain extant. During the site visit, it was observed that the site is under construction.</p> <p>The proposal would infill the rear extension and erect a roof terrace over the rear ground floor flat roof.</p>
<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</p>
<b>Relevant planning history</b>	<p>Application Number: S6/1975/0142/            Decision: Refused            Decision Date: 07 May 1975            Proposal: Loft conversion</p> <p>Application Number: S6/2004/0848/FP            Decision: Refused            Decision Date: 06 September 2004            Proposal: Change of use from residential dwelling house, to part day nursery part residential dwelling</p> <p>Application Number: 6/2021/0631/PN27            Decision: Prior Approval Required and Granted            Decision Date: 21 April 2021            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</p> <p>Application Number: 6/2021/1453/HOUSE            Decision: Granted            Decision Date: 05 July 2021            Proposal: Erection of a single storey side extension, insertion of new windows/doors on side and rear elevation and rear rooflight following the</p>

	<p>demolition of the side garage</p> <p>Application Number: 6/2021/1831/HOUSE  Decision: Granted  Decision Date: 09 September 2021  Proposal: Partial demolition of the bungalow, erection of single-storey side and rear extension, extension of roof to form loft conversion with side dormers and alterations to the front facade, insertion of skylights</p> <p>Application Number: 6/2021/2748/PN8  Decision: Prior Approval Not Required  Decision Date: 20 October 2021  Proposal: Prior approval for the erection of a single storey rear extension measuring 8m in depth, 3.13m in height, 3m to the eaves</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 2	Other: 1
<b>Publicity</b>	Neighbour letters		
<b>Summary of neighbour responses</b>	<p>No. 40 Theobalds Road – Objection</p> <ul style="list-style-type: none"> <li>• There is no other property that has a roof terrace overlooking any of the gardens, at the back of 35 Northaw Road East, not just 38 and 40 Theobald rd,</li> <li>• Invasion of all of the properties privacy.</li> </ul> <p>No. 33 Northaw Road East – Comment</p> <ul style="list-style-type: none"> <li>• If the roof terrace is approved, opaque side screens are put in to give us privacy i.e. we wouldn't want for anyone on the terrace to be looking into our property.</li> </ul> <p>No. 38 Theobalds Road</p> <ul style="list-style-type: none"> <li>• The site is being developed to such an extent, that it is no longer in keeping with any of the neighbouring properties.</li> <li>• Not only is the main building being developed to be higher, wider and deeper than any of the neighbouring properties, there is now another huge brick built construction being built, close to the boundaries of FOUR adjoining properties.</li> <li>• Already a blot on the landscape and blockage to evening sunshine to our garden.</li> </ul>		
<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			
<b>Main Issues</b>			
<b>Is the development within a conservation area?</b>			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

<b>Would the significance of the designated heritage asset be preserved or enhanced?</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
<b>Comment</b> (if applicable):	
<b>Would the development reflect the character of the area?</b>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Comment</b> (if applicable): Planning permission is sought for the retention of the rear infill and erection of a roof terrace over rear ground floor flat roof.	
<p>Roof terraces are not a common feature within the surrounding area. The application site slopes down from the front of the property to the rear. In addition, the roof terrace would not cover the full width of the roof; it would measure approximately 1.9 meters in depth and 2.5 meters in width. Therefore, it is considered that the roof terrace would not dominate the host dwelling and the surrounding area.</p> <p>Overall, it is considered that the rear infill and the proposed roof terrace would not have an adverse impact on the surrounding area.</p> <p>Subject to a planning condition regarding matching materials, it is considered that the design of the proposal would adequately respect and relate to the existing dwelling and the character of the area in accordance with the National Planning Policy Framework; Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005.</p>	
<b>Would the development reflect the character of the dwelling?</b>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
<b>Comment</b> (if applicable):	
<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 <input type="checkbox"/> N/A	
<b>Comment</b> (if applicable): Comments from neighbours regarding the proposed roof terrace are noted.	
<p>In terms of privacy, the neighbouring properties likely to be impacted by the proposed roof terrace are Nos. 33 &amp; 37 Northaw Road East and 38 &amp; 40 Theobald's Road. The roof terrace would have a 1.8m high wooden screening. The applicant has submitted samples of the wooden screening and these are considered acceptable. As such, it is considered that the proposed roof terrace would not impact on the privacy of the neighbouring occupiers.</p>	
<b>Would the development provide / retain sufficient parking?</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
<b>Comment</b> (if applicable):	
Any other issues	<p><b>Outbuilding</b></p> <p>During a site visit, it was noted that there is an outbuilding under construction at the rear of the property. It has been reported that the outbuilding would be used as a summerhouse. When completed, the outbuilding would measure approximately 7m by 4m, 2.5m in height and would have a flat roof.</p> <p>The outbuilding and the proposed extensions would not exceed 50% of the total area of land around the original house. Assuming that the outbuilding is for incidental use to the enjoyment of the dwellinghouse, It is considered that the outbuilding would fall under permitted development rights. However, the Enforcement Team have been made aware of the outbuilding in case it does not meet the conditions set out under Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") for Class E developments.</p>

<b>Conclusion</b>	
Subject to a planning condition regarding matching materials, it is considered that the proposed development would be in accordance with the Welwyn Hatfield District Plan; the Supplementary Design Guidance; and the National Planning Policy Framework.	

#### DRAWING NUMBERS

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>
A116	A	Proposed Floor Plans	30 March 2022
A117	A	Proposed Elevations	30 March 2022
A100		Location And Site Plans	20 January 2022
A101		Existing And Proposed Block Plans	20 January 2022
		Pre Existing Plans	20 January 2022
		Existing Plans	20 January 2022
		Proposed Plans	20 January 2022
A102		Pre-Existing Floor Plans	20 January 2022
A104		Pre-Existing Elavations	20 January 2022
A103		Pre-Existing Roof Plan/Section	20 January 2022
A107		Existing Roof Plan	20 January 2022
A106		Existing Loft Floor Plan	20 January 2022
A105		Existing Ground Floor Plan	20 January 2022
A110		Existing Elevations	20 January 2022
A109		Existing Elevations	20 January 2022
A108		Existing Sections	20 January 2022
A112		Proposed Loft Floor Plan	20 January 2022
A114		Proposed Elevation and Section Plan	20 January 2022
A113		Proposed Roof Plan	20 January 2022

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. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
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](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 Derek Lawrence  
7 April 2022