

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

DELEGATED APPLICATION

Application No: 6/2022/0949/HOUSE
Location: 21 Kingswell Ride Cuffley Potters Bar Hertfordshire EN6 4LH
Proposal: Alterations to fenestration, part conversion of front hipped roof to gable roof, erection of rear roof extension with conversion of rear hipped roof to gable and insertion of two side dormers, erection of single storey rear extension with roof terrace over rear ground floor flat roof, and raised rear patio
Officer: Ms Kirsty Shirley

Recommendation: Granted

6/2022/0949/HOUSE

| | |
|--|--|
| Context | |
| Site and Application description | <p>The street scene and surrounding area is residential in character, predominately featuring detached bungalows with many dwellings in the area significantly extended and altered to now feature a wide variety of dormers and roof styles. These extensions and alterations allows for some flexibility in the design of development within the area which would not materially harm the character of the area.</p> <p>The application site is comprised of a detached bungalow, with front garden, front driveway, side garage and elongated rear garden.</p> <p>This application follows previously approved application 6/2022/0477/HOUSE. Application 6/2022/0477/HOUSE was for alterations to fenestration, part conversion of front hipped roof to gable roof, erection of rear roof extension with conversion of rear hipped roof to gable and insertion of two side dormers.</p> <p>The development in this application (6/2022/0949/HOUSE) is similar to the previously approved development, with the inclusion of a single storey rear extension with first floor rear terrace.</p> <p>The majority of the application site is outside of the Metropolitan Green Belt, with a small portion of the rear garden within the Metropolitan Green Belt.</p> |
| Constraints (as defined within WHDP 2005) | <p>GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0 PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0 Wards - Northaw & Cuffley - Distance: 0 A4D - ARTICLE 4 DIRECTION - Distance: 0</p> |
| Relevant planning history | <p>Application Number: 6/2017/2125/HOUSE Decision: Granted Decision Date: 04 December 2017 Proposal: Erection of single storey rear extension</p> <p>Application Number: 6/2021/2285/HOUSE Decision: Granted</p> |

| | | | |
|---|--|-----------|----------|
| | Decision Date: 21 October 2021 Proposal: Erection of a single storey side extension Application Number: 6/2022/0477/HOUSE Decision: Granted Decision Date: 14 April 2022 Proposal: Alterations to fenestration, part conversion of front hipped roof to gable roof, erection of rear roof extension with conversion of rear hipped roof to gable and insertion of two side dormers. | | |
| Consultations | | | |
| Neighbour representations | Support: 0 | Object: 2 | Other: 0 |
| Publicity | Neighbour notification letter | | |
| Summary of neighbour responses | Two objections have been received from residents on Kingswell Ride. A summary of their objections are as follows: <ul style="list-style-type: none"> • The development will cause an unacceptable loss of privacy • The development will result in a loss of light, particularly as the development would contravene the 45 Degree rule. | | |
| Consultees and responses | Northaw & Cuffley Parish Council – Object: <i>The proposed height of the development, including the 1st floor terrace and raised patio, would overlook neighbouring properties and would result in considerable loss of privacy</i> | | |
| Relevant Policies | | | |
| <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 checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes <i>Emerging Local Plan:</i> SP9 Place Making and High Quality Design SADM11 Amenity and Layout | | | |
| Main Issues | | | |
| Is the development within a conservation area? | | | |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| Would the significance of the designated heritage asset be preserved or enhanced? | | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A | | | |
| Comment (if applicable): | | | |
| Would the development reflect the character of the area? | | | |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| Comment (if applicable): The proposal includes development that has already been recently approved under application 6/2022/0477/HOUSE which constituted alterations to fenestration, part conversion of front hipped roof to gable roof, erection of rear roof extension with conversion of rear hipped roof to gable and insertion of two side dormers. As the acceptability of such development has already assessed and approved under application 6/2022/0477/HOUSE, it does not need to be reassessed under this application. The proposed single storey rear extension and first floor terrace will be assessed under this application. | | | |
| The single storey rear extension would extend across the width of the dwelling and project approximately 2m from the rear elevation of the dwelling. The extension would feature a flat roof. The extension would be subservient in size and scale and would not detrimentally detract from the | | | |

character or appearance of the application dwelling.

The proposal includes a first floor terrace, which would be accessed from a first floor bedroom. The terrace would be positioned above the proposed ground floor extension and would be approximately 4m in width. The terrace would occupy the majority of the depth of the ground floor extension. The terrace would feature glazing facing towards the rear garden and such glazing would not detract from the appearance of the dwelling. Wooden screening approximately 1.8m in height would be positioned either side of the flank elevation of the terrace, which would not detract from the character and appearance of the dwelling. Matching materials can be secured by condition to ensure that the development remains in keeping with the appearance of the application dwelling and character of the wider area.

It is therefore considered that the development would be in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan; Policies SP9 and SADM11 of the Emerging Local Plan; the Supplementary Design Guidance; and the National Planning Policy Framework.

Would the development reflect the character of the dwelling?

Yes No N/A

Comment (if applicable): See above

Would the development maintain the amenity of adjoining occupiers? (e.g. privacy, outlook, light etc.)

Yes No N/A

Comment (if applicable): Two objections have been received from neighbouring occupiers regarding loss of privacy and loss of light.

In regards to loss of light, the "45 Degree rule" has been raised as an objection to the development. Occasionally Welwyn Hatfield Borough Council refer to a 45-degree line as indicative of an acceptable relationship. However, the 45-degree rule is not a policy requirement and a qualitative assessment is required. Welwyn Hatfield Borough Council assess each case on its merits which allows various factors to be taken into account. It is considered that the size, scale and positioning of the development would not result in adjoining neighbours to experience a detrimental loss of light.

In regards to privacy, the proposed first floor terrace would feature 1.8m wooden screening either side of the terrace to protect the privacy of the occupiers of Nos 19 and 23. It is considered that the height and material of the screening would prevent any undue overlooking towards Nos 19 and 23, and details of the screening can be secured by condition.

As per approved application 6/2022/0477/HOUSE the windows inserted into the side elevations of the dormers can be conditioned to be obscured glazed and non-opening under 1.7m, to further ensure the privacy of adjoining neighbours Nos 19 and 23 is maintained.

It is considered that the positioning, size and scale of the development would not result the development to appear unduly dominant or overbearing towards adjoining neighbours.

Would the development provide / retain sufficient parking?

Yes No N/A

Comment (if applicable): The proposal would not increase the amount of bedrooms within the application dwelling and so parking is not a consideration for this application.

Conclusion

Subject to the suggested conditions, the proposed development would be in accordance with the Welwyn Hatfield District Plan; the Emerging Local Plan the Supplementary Design Guidance; and the National Planning Policy Framework.

Conditions:

1. The brickwork, roof tile, bond, mortar, windows, detailing, guttering, soffits and other external decorations of the approved extension/alterations must match the existing dwelling in relation to colour and texture.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

2. No development above ground level in any phase of the development shall take place until full details on a suitably scaled plan of the proposed terrace screening, shown on approved drawing A108 A, has been submitted to and approved in writing by the Local Planning Authority. Subsequently, The development shall not be carried out other than in accordance with the approved details.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

3. The windows inserted into the side elevations of the dormer windows facing towards adjoining neighbours Nos 23 and 19 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 residential amenity and 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

4. 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 |
|--------------------|------------------------|-------------------------------------|----------------------|
| A100 | | Location And Site Plans | 21 April 2022 |
| A101 | | Existing ground floor and roof plan | 22 April 2022 |
| A102 | | Existing roof plans and sections | 22 April 2022 |
| A103 | | Existing elevations | 22 April 2022 |
| A104 | | Proposed Floor Plans | 27 May 2022 |
| A106 | | Proposed sections | 27 May 2022 |
| A107 | | Proposed Elevations | 27 May 2022 |
| A108 | | Proposed Elevations | 27 May 2022 |
| A105 | | Proposed Roof Plans | 30 May 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. 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.
3. 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.
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
11 August 2022