

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

DELEGATED APPLICATION

Application No: 6/2022/2354/VAR
Location: 28 Bluebell Way Hatfield AL10 9FJ
Proposal: Variation of condition 2 (roof) on planning permission
 6/2022/0873/HOUSE
Officer: Ms Kirsty Shirley

Recommendation: Granted

6/2022/2354/VAR

Context	
Site and Application description	<p>The application site is located at the end of a group of dwellings located on Bluebell Way and is comprised of a two-storey detached dwelling with front driveway and rear garden.</p> <p>Planning permission was granted on the 30th May 2022 for the erection of a single storey side and rear extension, and insertion of window within front elevation to facilitate conversion of garage into habitable space (6/2022/0873/HOUSE). Planning permission is now sought to vary condition 2 (drawing numbers). The alterations include: Altering the flat roof of the side extension to a pitch roof.</p> <p>Section 73 allows applicants to apply to vary or remove one or more conditions attached to a planning permission. This results in a new permission with one or more conditions from an extant permission, which remains intact and unamended. In determining the application under this section, officers have to have regard to the development plan and all other material considerations, but the principle of development should not be re-assessed since that is not an issue in relation to the removal of the conditions.</p>
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt - Distance: 5.78 LCA - Landscape Character Area (De Havilland Plain) - Distance: 0 PAR - PARISH (HATFIELD) - Distance: 0 Wards - Hatfield Villages - Distance: 0 A4HD - Article 4 HMO Direction - Distance: 0 HAT - Hatfield Aerodrome - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0 HHAA - Hatfield Heritage Assessment Area(Hatfield Garden Village) - Distance: 0</p>
Relevant planning history	<p>Application Number: S6/1999/1115/OP Decision: Approval Subject to s106 Decision Date: 30 April 2002 Proposal: Residential development (outline) including access to public highway</p> <p>Application Number: S6/2002/0967/FP Decision: Granted</p>

	Decision Date: 04 October 2002 Proposal: Erection of 46 dwellings (amendments to planning approval ref S6/1999/971/FP. Application Number: 6/2022/0436/LAWP Decision: Refused Decision Date: 22 March 2022 Proposal: Certificate of lawfulness for the proposed erection of a single story and side extensions Application Number: 6/2022/0873/HOUSE Decision: Granted Decision Date: 30 May 2022 Proposal: Erection of a single storey side and rear extension, and insertion of window within front elevation to facilitate conversion of garage into habitable space		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Neighbour notification letter		
Summary of neighbour responses	None received		
Consultees and responses	Hatfield Town Council – no response		
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 type="checkbox"/> M14 <input type="checkbox"/> Supplementary Design Guidance <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Draft Local Plan Policy: SADM11, SP9.			
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			
Would the development reflect the character of the area?			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Comment (if applicable): The principle of development has been approved through the grant of permission under application 6/2022/0873/HOUSE. Drawing 21163 – 002 A approved in application 6/2022/0873/HOUSE shows the side extension with a flat roof. The proposal in this application is to alter the roof form of the side extension from a flat roof to a monopitch roof. The proposed monopitch roof would be in keeping with the monopitch roof of the approved rear extension and gable roof of the dwelling. The alteration to the roof form would maintain the subservience of the side extension towards the dwelling and would not detract from the character or appearance from the application dwelling or wider area.			
Would the development reflect the character of the dwelling?			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 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): No neighbour representations have been received.

The proposed alteration to the side extension roof form would not result in adjoining neighbours to experience a detrimental loss of sunlight or privacy, nor would the development appear overbearing or unduly dominant to neighbouring occupiers. It is therefore considered that the neighbouring amenity of adjoining occupiers would be maintained to an acceptable level.

Would the development provide / retain sufficient parking?

Yes No N/A

Comment (if applicable): Material considerations are the same as those within the application already approved and therefore it is reasonable and appropriate to come to the same conclusion within this application, in which no concerns regarding on-site car parking provision.

Re-imposition of conditions

A successful application to amend condition 2 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. There is one other condition from application 6/2022/0873/HOUSE, which is matching materials, and this has not been discharged.

It is considered that the same matching material condition should be applied to this decision as found within the decision from 6/2022/0873/HOUSE.

Conclusion

The proposed amendments to the approved scheme are considered acceptable as they would have an acceptable impact on the appearance of the application dwelling and the character of the area. It is considered that neighbour amenity would not be harmed by the proposed amendments to the scheme. The application would therefore be in accordance with District Plan Policies D1 and D2; Draft Local Plan Policies SADM11 and SP9; 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 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.

DRAWING NUMBERS

2. 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
21163 - 003		As Proposed	11 October 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. 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.
2. 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.
3. 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
15 November 2022