

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

**DELEGATED APPLICATION**

**Application No:** 6/2022/2526/PN27  
**Location:** Postern Gate Farm Newgate Street Village Hertford SG13 8QR  
**Proposal:** Prior approval for the construction of an additional storey to facilitate the enlargement of the dwellinghouse to a maximum of approximately 2.8m in height following the demolition of existing roof  
**Officer:** Ms Elizabeth Mugova

**Recommendation:** Prior Approval Required and Granted

*6/2022/2526/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.*

Context	
Application Description	Prior approval for the construction of an additional storey to facilitate the enlargement of the dwellinghouse to a maximum of approximately 2.8m in height following the demolition of existing roof.
Relevant planning History	<p>Application Number: 6/2022/2524/PN8  Decision: Withdrawn  Decision Date: 09 December 2022  Proposal: Prior approval for the erection of two single storey side extensions measuring 8m. in depth, 4m. in height and 2.5m. to the eaves</p> <p>Application Number: 6/2022/2525/PN8  Decision: Withdrawn  Decision Date: 09 December 2022  Proposal: Prior approval for a single storey rear extension measuring 8 metres in depth, 4 metres in height and 2.5 metres to the eaves</p> <p>Application Number: S6/1985/0049/  Decision: Refused  Decision Date: 09 May 1985  Proposal: Siting of temporary mobile home</p> <p>Application Number: S6/1989/0944/FP  Decision: Granted  Decision Date: 08 December 1989  Proposal: Renewal of temporary consent for the siting of a mobile home ref. S6/343/86 dated 31 July, 1986</p> <p>Application Number: S6/1993/0344/DE  Decision: Granted  Decision Date: 08 July 1993</p>

	<p>Proposal: Erection of detached bungalow</p> <p>Application Number: S6/1993/0613/FP Decision: Granted Decision Date: 06 June 1994 Proposal: Erection of barn and stables</p> <p>Application Number: S6/2003/0877/FP Decision: Refused Decision Date: 12 August 2003 Proposal: Erection of one new dwelling house</p> <p>Application Number: S6/2009/1169/LU Decision: Refused Decision Date: 21 July 2009 Proposal: Certificate of lawfulness for completion of construction work commenced under S6/2007/1268/FP for conversion of pig pens to one holiday-let cottage</p> <p>Application Number: S6/2010/1043/FP Decision: Refused Decision Date: 12 July 2010 Proposal: Retention of new build holiday let cottage on existing foundations following demolition of former pig pens</p> <p>Application Number: 6//2018/0859/LAWE Decision: Granted Decision Date: 17 June 2018 Proposal: Certificate of lawfulness for continued existing use of static caravan as a dwelling</p> <p>Application Number: 6/2022/1793/HOUSE Decision: Granted Decision Date: 17 October 2022 Proposal: Erection of a single storey front extension</p>
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**The main issues are:**

**1. Whether the proposed works are permitted development by virtue of Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended**

**Part 20: Construction of New Dwellinghouses**

**Part AA: the enlargement of a dwellinghouse by construction of additional storeys**

<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?	<b>N</b>	<b>N</b>
The dwelling house is located on – i. article 2(3) land; or ii. A SSSI	<b>N</b>	<b>N</b>

The dwellinghouse was constructed before 1 July 1948 or after 28 March 2018	<b>N</b>	<b>N</b>
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	<b>N</b>	<b>N</b>
Following the development the height of the highest part of the roof of the dwellinghouse would exceed 18m	<b>N</b>	<b>N</b>
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 <ul style="list-style-type: none"> <li>i. 3.5m, where the existing dwellinghouse consists of one storey; or</li> <li>ii. 7m, where the existing dwellinghouse consists of more than one storey</li> </ul>	<b>N</b>	<b>N</b>
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— <ul style="list-style-type: none"> <li>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</li> <li>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;</li> </ul>	<b>N/A</b>	<b>N</b>
the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— <ul style="list-style-type: none"> <li>i. 3 metres; or</li> <li>ii. the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;</li> </ul>	<b>N</b>	<b>N</b>
any additional storey is constructed other than on the principal part of the dwellinghouse;	<b>N</b>	<b>N</b>
the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development	<b>N</b>	<b>N</b>
the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.	<b>N</b>	<b>N</b>
<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;	<b>See below</b>	
the external appearance of the dwellinghouse, including the design and architectural features of— <p>(aa)the principal elevation of the dwellinghouse, and</p> <p>(bb)any side elevation of the dwellinghouse that fronts a highway;</p>	<b>See below</b>	
Air traffic and defence asset impacts of the development	<b>See below</b>	
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	<b>See below</b>	
<b>Discussion where matters require prior approval</b>		
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. Loss of light, overlooking and loss of privacy are relevant concerns in regard to assessing the impact of a development on the amenity of the occupiers of adjoining premises, and a discussion on this follows.	

	<p>The site comprises open agricultural land, a single storey detached dwelling and associated farm buildings. The nearest neighbouring property is located approximately over 70m away from the application site and there are trees in between. Therefore, the proposal would not have an adverse impact upon the neighbour amenity.</p> <p>There is one neighbouring property located approx. 85m to the East, through a dense forest and sited uphill called 1 Pump Station Cottage. It consists of a 1.5 storey converted pump station. There are no properties to the rear (south) or west and therefore no direct overlooking, loss of light or loss of privacy shall occur should this proposal be constructed.</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</p> <p>(bb) any side elevation of the dwellinghouse that fronts a highway.</p> <p>The host dwelling is set well back from the streetscene. Views of the resultant dwelling would be partially visible through the wooded area and from the front gate.</p> <p>The proposed additional storey to the dwelling would continue the existing roof form, pitch and style of the original dwelling including the retention of the chimney feature. All exterior materials for the resultant dwelling would be of a similar appearance to those of the existing dwellinghouse.</p> <p>Overall, it is considered that the design and architectural features of the proposal would, on balance, respect and relate to both the principal and side elevations of the existing dwelling.</p>
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.
<p><b>Comments from The Pumping Station, Darnicle Hill</b></p> <ul style="list-style-type: none"> <li>• A request has been made to consult The Woodland Trust and No 117 Newgate Street (not Darnicle Hill as stated in the comments). The Woodland Trust manage the land around the application site, they have been consulted and no comments have been received.</li> <li>• Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted</li> </ul>	

Development) (England) Order 2015 requires the local planning authority to notify each adjoining owner or occupier about the proposed development by serving on them a notice. Although No 117 Newgate Street is the closest neighbour to the west, they do not share a common boundary therefore, there is no obligation to consult them on this prior approval application.

- A concern has been raised whether the proposal would impact future use of existing buildings. However, impact on the future use of existing buildings is not a consideration for a prior approval application.
- The concerns raised regarding boundary issues are private matters and are managed outside of the remit of planning.
- It's been reported that trees are being removed from the site. The proposal does not include tree cutting to allow the proposed extension to take place. Also, the application site is not protected by a Tree Preservation Order (TPO). Therefore, the Council does not have powers to stop the works or prosecute. However, Natural England have been informed about the tree removal as some of the land falls within the SSSI Woodland.
- A concern has been raised regarding potential noise from the railway line for the resultant dwelling. Noise impact is not a consideration for a prior approval application.
- A comment has been made highlighting that the railway line is not shown on the site plan. The railway line is shown on the 'Existing Location and Site Plan, Drawing No. 292\_E01.

#### **Objection - Herts and Middlesex Wildlife Trust**

An objection has been received from Herts and Middlesex Wildlife Trust requesting a bat survey to be carried out before the application can be determined. This is a prior approval application and the matters that are required to be assessed as part of the proposal have been discussed above and these include:

- Impact on Amenity
- External Appearance
- Air traffic and defence impacts
- Whether because of the siting of the building, the development will impact on a protected view

Therefore, a bat survey is not required to assess this application. An informative is suggested to inform the applicant of their obligations under the Conservation of Habitats and Species Regulations (2017) (as amended).

#### **RECOMMENDATION**

Prior approval required and granted

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 prior approval is required and approved subject to the inclusion of a condition requiring a Construction Method Statement to be submitted to the Council.

## **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. If at any time during the course of construction of the development hereby approved, a species of animal that is protected under Schedule 1\* or 5\*\* of the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats) Regulations 1994\*\*\* or the Protection of Badgers Act 1992 is discovered, all construction or other site work affecting the species shall cease until a suitable mitigation scheme has been submitted to and approved in writing by the Local Planning Authority and a license has been obtained from DEFRA (Department for Environment, Food and Rural Affairs).

\* Includes nesting birds

\*\* Includes great crested newts, bats, reptiles and water voles

\*\*\* Includes great crested newts and bats.

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](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)

4. Development is permitted by Class AA subject to a number of conditions:
  1. The materials used in any exterior work must be of a similar appearance to

- those used in the construction of the exterior of the existing dwellinghouse;
2. The development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;
  3. The roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse;
  4. Following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse;
  5. Before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, 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;
  6. The development must be completed within a period of 3 years starting with the date prior approval is granted; and
  7. The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and that notification must be in writing and include—
    - (i) the name of the developer;
    - (ii) the address of the dwellinghouse; and
    - (iii) the date of completion.

**Determined By:**

Mr Mark Peacock  
29 December 2022