

**WELWYN HATFIELD BOROUGH COUNCIL  
ASSISTANT DIRECTOR (PLANNING)**

**DELEGATED APPLICATION**

**Application No:** 6/2022/2655/VAR  
**Location:** 133 The Ridgeway Cuffley Potters Bar EN6 4BG  
**Proposal:** Variation of condition 4 (approved plans) of planning permission 6/2022/1795/HOUSE  
**Officer:** Ms Kirsty Shirley

**Recommendation:** Granted

6/2022/2655/VAR

<b>Context</b>	
<b>Site and Application description</b>	<p>This application is for a variation to approved application 6/2022/1795/HOUSE, which is for the erection of front porch, 2x two storey side extensions, reduction in ridge height and insertion of two front facing dormer windows.</p> <p>This application (6/2022/2655/VAR) seeks the variation of condition 4 (approved plans). The alterations include alterations to the approved roof form and fenestration.</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 varied or removed and it would sit alongside the original permission, which remains intact and unamended. In determining an 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>
<b>Constraints (as defined within WHDP 2005)</b>	<p>GB - Greenbelt - Distance: 0            LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0            LNR - Local Nature Reserve(Northaw Great Wood) - Distance: 22.22            SSSI - SITE OF SPECIAL SCIENTIFIC INTEREST (Northaw Great Wood - SSSI4) - Distance: 22.22            PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0            SSSI - SITE OF SPECIAL SCIENTIFIC INTEREST (Northaw Great Wood - SSSI4) - Distance: 22.22            Wards - Northaw &amp; Cuffley - Distance: 0            A4D - ARTICLE 4 DIRECTION - Distance: 0            HEN - Existing habitat not currently qualifying under S41 NERC Act - Distance: 0            HEN - No known habitats present (high priority for habitat creation) - Distance: 0            SAGB - Sand and Gravel Belt - Distance: 0</p>
<b>Relevant planning history</b>	<p>Application Number: S6/1976/0312/            Decision: Granted            Decision Date: 27 August 1976            Proposal: Two storey and ground floor side extension including new garage</p>

	<p>Application Number: S6/1979/0014/ Decision: Granted Decision Date: 23 February 1979 Proposal: New dormer</p> <p>Application Number: S6/1980/0775/ Decision: Granted Decision Date: 18 December 1980 Proposal: Detached garage</p> <p>Application Number: S6/1984/0154/ Decision: Granted Decision Date: 24 April 1984 Proposal: Single storey side extension to accommodate a horse</p> <p>Application Number: S6/2007/0872/FP Decision: Granted Decision Date: 13 August 2007 Proposal: Erection of a single storey side extension</p> <p>Application Number: 6/2020/1953/HOUSE Decision: Refused Decision Date: 01 October 2020 Proposal: Erection of a single storey side extension and first floor side extension over existing garage</p> <p>Application Number: 6/2021/1636/LAWP Decision: Granted Decision Date: 13 July 2021 Proposal: Certificate of lawfulness for the demolition of an outbuilding and the erection of a single storey rear extension incorporating a flat roof roof-light</p> <p>Application Number: 6/2021/1882/PN8 Decision: Prior Approval Required and Granted Decision Date: 02 August 2021 Proposal: Prior approval for the erection of a single storey rear extension measuring 8m in depth, 3m in height and 3m to the eaves.</p> <p>Application Number: 6/2021/1883/LAWP Decision: Granted Decision Date: 04 August 2021 Proposal: Certificate of lawfulness for erection of single storey side extension incorporating 2no. flat roof roof-lights</p> <p>Application Number: 6/2022/0130/FULL Decision: Refused Decision Date: 16 March 2022 Proposal: Erection of a two storey detached dwelling following demolition of existing dwelling and outbuilding</p> <p>Application Number: 6/2022/1058/PA Decision: Refused Decision Date: 16 June 2022 Proposal: Pre application advice for a part single storey side extension, part first floor side extension, conversion of garage and new front boundary wall</p>
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	Application Number: 6/2022/1795/HOUSE Decision: Granted Decision Date: 29 September 2022 Proposal: Erection of front porch, 2x two storey side extensions, reduction in ridge height and insertion of two front facing dormer windows		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	Site Notice Display Date: 1 December 2022 Site Notice Expiry Date: 22 December 2022 Neighbour notification letter		
<b>Summary of neighbour responses</b>	None received		
<b>Consultees and responses</b>	Herts & Middlesex Bat Group – no response Herts & Middlesex Wildlife Trust – no response Northaw & Cuffley Parish Council – no response Hertfordshire Ecology – no response		
<b>Relevant Policies</b>			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" type="checkbox"/> GBSP1 <input type="checkbox"/> GBSP2 <input checked="" 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 Others: RA3 Emerging Local Plan Policies: SADM34, SP9, SADM11			
<b>Main Issues</b>			
<b>Green Belt and very special circumstances</b>	<p>The principle of development has been approved through the grant of permission under application 6/2022/1795/HOUSE.</p> <p>The application site is washed over by the Metropolitan Green Belt as defined by Local Plan Policy GBSP1. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework (NPPF), states, in paragraph 147 that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 then states that substantial weight should be given to any harm in the Green Belt and that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</p> <p>The approved development under application 6/2022/1795/HOUSE is considered to conflict with the relevant local and national policies regarding the Green Belt. However, very special circumstances (VSC) were identified that outweigh the significant harm identified to the Green Belt. The VSC case presented under application 6/2022/1795/HOUSE is that the permitted development fallback position would be more harmful than the approved development as the proposal would include the demolition of the existing garage, a reduction in volume to the dwelling due to a reduction in ridge height and the design and style of the dwelling would be further in keeping with the</p>		

	<p>character and appearance of the application dwelling and wider area when compared to the development approved under permitted development.</p> <p>Condition 4 of application 6/2022/1795/HOUSE regards the drawing numbers. The proposal under this current application would alter the roof form and fenestration approved under application 6/2022/1795/HOUSE. The approved crown roof of the dwelling would be altered to the rear, with the roof remaining as a crown roof but with the roof form almost symmetrical when viewed from the rear. As a consequence, this would remove the rear catslide element of the roof, with a resultant part gable roof to the rear and the eaves of the rear of the roof consistent by either side of the gable roof.</p> <p>The alteration would increase both the volume of the application dwelling and first floor area with a further bedroom created, when compared to the approved development under application 6/2022/1795/HOUSE. However, the proposed roof alteration would still represent less floor area and volume when compared to the permitted development fallback position, and the design and appearance of the roof alteration would remain in keeping with the character and appearance of the application dwelling and wider area when compared to the permitted development fallback position.</p>
<b>Design (form, size, scale, siting) and Character (appearance within the streetscene)</b>	<p>The roof alterations would be concentrated to the rear of the dwelling and would be limited scale which would result in a limited impact upon the street scene. The proposed alterations to the roof form would result in the roof when viewed from the rear to appear balanced and consistent. The roof alterations would therefore not detract from the appearance of the dwelling or the character of the wider area.</p> <p>The alterations to the fenestration include insertion of skylights into the roof and alterations to the amount and design of the windows. The design and scale of the windows would not detract from the appearance of the dwelling or the character of the wider area.</p>
<b>Impact on neighbours</b>	<p>No neighbour representations have been received.</p> <p>The proposed alterations would not result in adjoining neighbours to experience an undue loss of light, nor would the development appear overbearing or unduly dominant.</p> <p>Regarding privacy, the window inserted into the first floor flank elevation facing towards adjoining neighbour No. 131 would remain as approved under application 6/2022/1795/HOUSE. This window would still serve a bathroom and so the re-imposition of the condition for glazing to be obscured can be secured to ensure the privacy of the occupants of No. 131 is maintained.</p>
<b>Access, car parking and highway considerations</b>	<p>The development would increase the amount of bedrooms to five. The application site has a sizeable driveway which is suitable to park more than three vehicles and so sufficient car parking is retained on-site.</p>
<b>Reimposition of conditions</b>	<p>A successful application to amend condition 4 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</p>

	<p>the original planning permission, unless they have already been discharged.</p> <p>There are three conditions from application 6/2022/1795/HOUSE which have not been discharged. These conditions include crown roof details, sample of materials and fixed and obscured glazing. It is considered that these conditions are still necessary and relevant and so should be applied to this decision as found within the decision from application 6/2022/1795/HOUSE.</p>
<p><b>Conclusion</b></p>	
<p>The proposed amendments to the approved scheme are 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 to vary the approved plans is therefore recommended for approval.</p>	

**Conditions:**

1. No development above ground level shall take place until details of the proposed crown roof, including a cross-section drawing, has been submitted to and approved in writing, by the Local Planning Authority. Subsequently the development must not be carried out other than in accordance with the approved details.

REASON: The proposal contains insufficient information in regards to the detailed design of the roof and this is required in the interests of quality of design and visual amenity in accordance with Policies GBSP2, 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 samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

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.

3. The upper floor window located in the flank elevation of the dwelling facing towards No. 131 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:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
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263_PL105A	Proposed Site Plan	22 November 2022
263_PL106A	Proposed GF Plan	22 November 2022
263_PL107A	Proposed 1F+ Roof Plan	22 November 2022
263_PL108A	Proposed Elevations	22 November 2022
263_PL110A	3D Visuals	22 November 2022
263_PL109A	Area Volume Calculations	22 November 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. Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.
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. 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.
5. 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  
11 January 2023