

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

DELEGATED APPLICATION

Application No: 6/2023/1934/HOUSE
Location: 9 South Drive Cuffley Potters Bar EN6 4HP
Proposal: Retention of two dormers and erection of two dormers on each side facing roofslope
Officer: Ms Kirsty Shirley
Recommendation: Refused

6/2023/1934/HOUSE

Context	
Site and Application description	<p>The application site is located to the east side of South Drive and is comprised of a detached bungalow with single detached garage and front and rear gardens.</p> <p>This part of South Drive is characterised by bungalows that are similar in scale and style, with the exception being No. 17 South Drive which is located at the end of this row of dwellings. Excluding No. 17, the bungalows feature a variety of materials but have key characteristics replicated on each bungalow, including an arched entranceway with brick detailing and a hipped or gabled front facing feature. There are limited examples of dormers within this area.</p> <p>The application is for the retention of two dormers and erection of two dormers on each side facing roofslope.</p> <p>The application site benefits from approved application 6/2022/2803/LAWP, which is for the erection of two dormers, one on either side of the roof.</p> <p>The applicant advises that these approved dormers were not constructed in the approved position under application 6/2022/2803/LAWP and the dormers have been situated closer to the rear of the extended dwelling than approved under application 6/2022/2803/LAWP. Rather than remove the dormers, the applicant seeks to retain these dormers as well as erect two further dormers, one on either side of the roofslope, next to these dormers.</p> <p>However, on recent site visits, it was witnessed that a sizeable dormer has been built either side of the roofslope with no indication that two smaller dormers were built beforehand. The applicant has also not advanced any evidence to show that there were two smaller dormers before the two larger dormers were constructed. It is therefore considered that the two larger dormers witnessed on site have been constructed without smaller dormers being constructed beforehand. The description of development is therefore not considered to be accurate of the proposed development.</p> <p>Given the information submitted and the current built development, the application is considered to be seeking planning permission for the retention of two dormers.</p>

Constraints	<p>NPA - Northaw and Cuffley Neighbourhood Plan Area - Distance: 0 GB - Greenbelt - Distance: 0 PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0 Wards - Northaw & Cuffley - Distance: 0 A4D - Article 4 Direction - Glasshouses, market gardens and nursery grounds - Distance: 0</p>
Relevant planning history	<p>Application Number: 6/2022/1414/HOUSE Decision: Refused Decision Date: 19 August 2022 Proposal: Insertion of two front facing dormers and two side dormers either side of the roofslope, erection of a two-storey rear extension and conversion of loft into habitable space</p> <p>Application Number: 6/2022/2114/HOUSE Decision: Refused Decision Date: 28 October 2022 Proposal: Installation of side dormers and erection of a single storey rear extension with loft space converted into habitable space</p> <p>Application Number: 6/2022/2803/LAWP Decision: Granted Decision Date: 17 January 2023 Proposal: Certificate of lawfulness for the erection of two dormers on both sides of the roof</p> <p>Application Number: 6/2022/2727/LAWP Decision: Refused Decision Date: 18 January 2023 Proposal: Certificate of lawfulness for the erection of front porch</p> <p>Application Number: 6/2022/2698/HOUSE Decision: Granted Decision Date: 23 January 2023 Proposal: Erection of single storey rear extension with extension and alteration of roof from hip to gable</p> <p>Application Number: 6/2023/0200/LAWP Decision: Refused Decision Date: 13 March 2023 Proposal: Certificate of lawfulness for the erection of a porch</p> <p>Application Number: 6/2023/0657/HOUSE Decision: Refused Decision Date: 19 May 2023 Proposal: Erection of the front porch</p> <p>Application Number: 6/2023/1237/LAWP Decision: Granted Decision Date: 02 August 2023 Proposal: Certificate of lawfulness for the erection of a porch</p> <p>Application Number: 6/2023/1252/LAWP Decision: Granted Decision Date: 04 August 2023</p>

	Proposal: Certificate of lawfulness for the erection of swimming pool enclosure with swimming pool.		
Consultations			
Neighbour representations	Support: 0	Object: 1	Other: 0
Publicity	Neighbour notification letters		
Summary of neighbour responses	<p>One representation has been received from No. 11 South Drive, which is summarised as follows:</p> <ul style="list-style-type: none"> • The proposed dormers have been built without planning permission, and the dormers like these ones built were previously refused planning permission. • the dormers have an overbearing and dominating presence which is intensified by the dark materials the dormers are finished in. • A window has been inserted into the outbuilding which overlooks into my garden and invades my privacy – this could be a further breach of planning. 		
Consultees and responses	Northaw & Cuffley Parish Council – no response		
Relevant Policies and Guidance			
National Planning Policy Framework			
The Welwyn Hatfield Borough Council Local Plan 2016-2036:			
<ul style="list-style-type: none"> • SP1 Delivering Sustainable Development • SP3 Settlement Strategy and Green Belt Boundaries • SP9 Place Making and High Quality Design • SP10 Sustainable Design and Construction • SADM2 Highway Network and Safety • SADM11 Amenity and Layout • SADM16 Ecology and Landscape 			
Northaw and Cuffley Neighbourhood Plan 2022-2036:			
<ul style="list-style-type: none"> • D2 Local Character 			
Planning Guidance:			
<ul style="list-style-type: none"> • Supplementary Design Guidance 2005 • Supplementary Planning Guidance Parking Standards 2004 • Interim Policy for Car Parking Standards and Garage Sizes 2014 • Planning Practice Guidance 			
Main Issues			
Design (form, size, scale, siting) and Character (appearance within the streetscene)	Local Plan Policies SP9 and SADM11 require all proposals deliver high-quality design that relates to their surroundings and local distinctiveness with the creation of a good standard of amenity. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area.		

Further guidance is provided specifically for dormers at para 5.2 of the SDG, advising:

“dormer windows should be contained within the roof slope, be subservient to the roof of the property and be in proportion to the existing fenestration of the property. They must not extend above the ridge height of the existing dwelling and the dormer cheeks should be at least 1 metre from the flank wall of the property or of the party wall with the adjoining property.”

Policy D2 of the Northaw and Cuffley Neighbourhood Plan (NCNP) concerns the local character. Appendix 2 provides further guidance in support of Policy D2, with extracts from local character assessments that should be used to inform all development proposals. Under the heading ‘Household Extensions’ it states:

- *The original building should remain the dominant element of the property regardless the amount of extension. The newly built extension should not overwhelm the building from any given point*
- *The pitch and form of the roof used on the building adds to its character and extensions should respond to this where appropriate.*
- *Extensions should consider the materials, architectural features, window sizes and proportions of the existing building and recreate this style to design an extension that matches and complements the existing building*

Under the sub-heading ‘Loft extensions’ there is a diagram demonstrating acceptable and unacceptable alterations to a roof. The unacceptable examples shows a wide flat roofed dormer with annotation stating *“Loft conversions incorporating a long shed dormer which is out of scale with the building”*

The revised National Planning Policy Framework (NPPF) has a stronger emphasis on good quality design than its predecessor. Paragraph 126 clearly advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. Paragraph 130 of the NPPF further advises that decisions should ensure developments will function well and add to the overall character of the area, be visually attractive, sympathetic to local character and establish a strong sense of place. Paragraph 134 is clear that *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides..”*

The proposed development is considered to be for the retention of two dormers. The dormers are positioned to either side of the flank roof slopes. The scale and design of the fenestration within the dormers is out of keeping with the existing fenestration within the flank elevations of the dwelling. While the dormers do not exceed the ridge of the dwelling, the dormers are set very minimally below the ridge of the dwelling, and the rear facing dormer cheeks finish in line with the rear elevation of the dwelling. The dormers are substantial in size and scale and occupy the majority of their respective roof slope, which is further emphasised by the positioning of the dormers within the roof slope.

	<p>The applicant has advanced examples of substantially sized dormer windows within the wider area. None of the examples submitted are of dwellings within South Drive and the full context and details of these examples has not established. In any event, each development must be considered on its individual merits.</p> <p>There are few examples of dormers within the immediate area of the application site and the size, scale and design of the dormers represent an intrusive and discordant addition to both the application dwelling and wider area, harmfully detracting from the appearance and character of the dwelling and area.</p> <p>Comments have been received regarding the use of dark cladding on the external elevations of the dormer. The use of dark cladding on the dormers would be commensurate with the dark roof tiles of the dwelling and so the external finish of the dormers is not considered to be detrimentally harmful to the character and appearance of the application dwelling and wider street scene.</p> <p>The positioning, design and scale of the dormers therefore does not represent high-quality design and the development is contrary to Local Plan Policies SP9 and SADM11; the Council's Supplementary Design Guidance; Northaw and Cuffley Neighbourhood Plan Policy D2; and the National Planning Policy Guidance.</p>
<p>Impact on neighbours</p>	<p>Local Plan Policy SADM11 require proposals to ensure a reasonable degree of privacy to new and existing private living space, with overlooking limited to an acceptable degree. The Council's Supplementary Design Guidance expects all new residential development to be designed, orientated and positioned in such a way to minimise overlooking between dwellings which would affect their internal living areas. Paragraph 130 of the NPPF outlines that decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</p> <p>A representation has been received from No. 11 South Drive with concerns regarding the scale, design and impact of the development, the implementation of development without planning permission and concerns regarding the insertion of windows into the outbuilding.</p> <p>The concerns regarding the scale, design and impact of the development have been addressed earlier in the report.</p> <p>The planning system allows retrospective planning approvals which this application aims to attain.</p> <p>Only the dormer windows have been included as part of this application and any other planning breaches can be reported to and investigated by the Council's Planning Enforcement team.</p> <p>The application site and adjoining neighbours No. 7 and No. 11 have rear gardens that face east, experiencing sunlight in the mornings. The scale and positioning of the development would not result in adjoining neighbours to experience an undue loss of light.</p> <p>While the dormers are considerable in scale, they are not considered to be of a</p>

	<p>size that would have an unduly overbearing or undue dominance towards adjoining neighbours.</p> <p>The dormer facing towards No. 7 have three windows and the dormer facing towards No. 11 has one window within the respective flank elevations.</p> <p>The windows facing No. 7 serve two non-habitable spaces and a bedroom. The windows serving the non-habitable spaces could be secured by condition to be obscured glazed in the event of an approval to maintain the privacy of the occupiers of No. 7. The bedroom would also be served by Juliet balconies within the rear elevation and so the flank window serving the bedroom could be obscured glazed as the Juliet balcony would allow sufficient light and good quality internal living space, while maintaining the privacy of the occupiers of No. 7.</p> <p>The window within the dormer facing towards No. 11 serves a bedroom. No. 11 has rooflights within the roofslope facing towards the application dwelling. The dormer window would allow direct views into No. 11's rooflights due to the positioning of the window within the dormer and orientation and positioning of the rooflights. However, no other windows serve the bedroom, and an obscured glazed window would result in poor internal accommodation for future occupiers.</p> <p>The dormer facing towards No. 11 would therefore result in an unacceptable loss of privacy to the occupiers of No. 11 as a result of overlooking towards the rooflights within the north facing roofslope of No.11. The dormer is therefore contrary to Local Plan Policy SADM11; the Council's Supplementary Design Guidance; and the National Planning Policy Framework.</p>
<p>Access, car parking and highway considerations</p>	<p>The development would result in the dwelling to have five bedrooms. A four or more bedroom dwelling in this location should provide three on-site car parking spaces.</p> <p>South Drive has had issues with car parking as evidenced by car parking restrictions in place from 11am – 1pm Monday to Friday in the area and it has been previously considered that an under provision of one on-site car parking space is not acceptable in this location.</p> <p>The application site benefits from a front hardstanding suitable to park one vehicle. The site also features a shared driveway with No. 11 which leads to a garage to the rear of the application site. The garage is suitably sized to park a vehicle. Due to the shared driveway however, a further vehicle could not park within the site without obstructing access to the garage of No. 11.</p> <p>An under provision of on-site car parking was considered to be acceptable under approved application 6/2022/2698/HOUSE. Application 6/2022/26398/HOUSE is for the erection of a single storey rear extension and alteration of roof form from hip to gable. This approval results in the increase of bedrooms within the dwelling from three to four. During the assessment for application 6/2022/2698/HOUSE, the application site benefitted from a recent approval of a certificate of lawfulness for the installation of two dormers (application 6/2022/2803/LAWP). The dormers would facilitate additional bedrooms within former loft space of the dwelling. A certificate of lawfulness does not require on-site car parking to be considered as part of the application</p>

	<p>and as application 6/2022/2803/LAWP had been approved, there is a greater than theoretical prospect that the development will be implemented. Under application 6/2022/2698/HOUSE therefore, it would not have been reasonable for the Local Authority to withhold planning approval on the basis of an under provision of car parking as the site would still have an under provision of car parking should the development under application 6/2022/2803/LAWP be implemented.</p> <p>The development has not been implemented as approved under application 6/2022/2803/LAWP and so this approval could only be implemented under a hypothetical situation in which the current dormers are removed and then the approved dormers are implemented. While this situation may be very unlikely, it is an option that nonetheless the application dwelling benefits from. Similar to the conclusions drawn under application 6/2022/2698/HOUSE, it is therefore not considered reasonable to withhold planning approval on the basis of an under provision of car parking, as the site would still have an under provision of car parking should the development under application 6/2022/2803/LAWP be implemented.</p>
<p>Conclusion</p>	
<p>The positioning, design and scale of the dormers does not represent high-quality design and the development is contrary to Local Plan Policies SP9 and SADM11; the Council's Supplementary Design Guidance; Northaw and Cuffley Neighbourhood Plan Policy D2; and the National Planning Policy Guidance.</p> <p>Furthermore, the dormer facing towards No. 11 would result in an unacceptable loss of privacy to the occupiers of No. 11 and would therefore be contrary to Local Plan Policy SADM11; the Council's Supplementary Design Guidance; and the National Planning Policy Framework.</p>	

Reasons for Refusal:

1. The positioning, design and scale of the dormers does not represent high-quality design and the development is contrary to Local Plan Policies SP9 and SADM11; the Council's Supplementary Design Guidance; Northaw and Cuffley Neighbourhood Plan Policy D2; and the National Planning Policy Guidance.
2. The dormer facing towards No. 11 would result in an unacceptable loss of privacy to the occupiers of No. 11 and would therefore be contrary to Local Plan Policy SADM11; the Council's Supplementary Design Guidance; and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

3.			
Plan Number	Revision Number	Details	Received Date
221103RD-08		Sections	23 October 2023
221103RD-05		Front & Rear Elevations	23 October 2023
221103RD-		Right Elevations	23 October 2023

06		
221103RD-04	Roof Plans	23 October 2023
221103RD-02	Ground Floor Plans	23 October 2023
221103RD-03	First Floor Plans	23 October 2023
221103RD-01	Site & Block Plans	23 October 2023
221103RD-07	Left Elevations	23 October 2023

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).

Determined By:

Mr Mark Peacock
18 December 2023