

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

**DELEGATED APPLICATION**

**Application No:** 6/2024/0122/PN27  
**Location:** Woodlands Well Road Northaw Potters Bar EN6 4BN  
**Proposal:** The enlargement of a dwellinghouse by the construction of two additional storeys  
**Officer:** Ms Syndsey Ballet

**Recommendation:** Prior Approval Required and Refused

6/2024/0122/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	<p>Woodlands is a dwellinghouse positioned towards the centre of a country estate some 1.5km northwest of Northaw, 2.2km west of Cuffley and 1.7km northeast of the outer edge of Potters Bar. The estate is located on the north side of The Ridgeway, immediately to the west of Well Wood and to the southwest of Northaw Great Wood.</p> <p>The existing dwellinghouse, constructed in the 1970s in a pseudo Regency style, is two storeys with a pitched roof over. All of the elevations are similar in design. However, the principal elevation is the west elevation which provides the main entrance to the dwellinghouse off the principal driveway.</p> <p>The proposal is to add two new storeys to the existing dwellinghouse above the existing two storey elements only.</p>
Relevant planning History	<p>Application Number: E6/1965/0426/  Decision: Granted  Decision Date: 24 May 1965  Proposal: Site for church education dwelling.</p> <p>Application Number: E6/1965/0427/  Decision: Granted  Decision Date: 24 May 1965  Proposal: Use of residence as annexe to seminary.</p> <p>Application Number: E6/1972/1456/  Decision: Granted  Decision Date: 26 July 1973  Proposal: Site for church educational building.</p> <p>Application Number: S6/1974/0054/  Decision: Granted  Decision Date: 14 February 1974  Proposal: Use of existing building as an annexe to a seminary</p>

	<p>Application Number: S6/1979/0778/ Decision: Granted Decision Date: 29 November 1979 Proposal: Extensions and alterations</p> <p>Application Number: S6/1981/0353/ Decision: Granted Decision Date: 08 June 1981 Proposal: Pool and ancillary accommodation</p> <p>Application Number: 6/2019/1972/FULL Decision: Granted Decision Date: 14 February 2020 Proposal: Retention of a driveway</p> <p>Application Number: 6/2023/1497/LAWP Decision: Refused Decision Date: 9 October 2023 Proposal: Certificate of Lawfulness for the erection of side and rear extensions on the main dwelling and managers cottage</p>
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**The main issues are:**

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

	Yes / No	To be PD
<b>A.A.1</b> Development is not permitted by Class AA if—		
(a) 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>
(b) The dwelling house is located on – i. article 2(3) land; or ii. A SSSI	<b>N</b>	<b>N</b>
(c) The dwellinghouse was constructed before 1 July 1948 or after 28 March 2018	<b>N</b>	<b>N</b>
(d) 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>
(e) Following the development the height of the highest part of the roof of the dwellinghouse would exceed 18m	<b>N</b>	<b>N</b>
(f) 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 i. 3.5m, where the existing dwellinghouse consists of one storey; or ii. 7m, where the existing dwellinghouse consists of more than one storey	<b>N</b>	<b>N</b>
(g) 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- 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	<b>N/A</b>	<b>N</b>

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;		
(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— i. 3 metres; or ii. the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;	N	N
(i) any additional storey is constructed other than on the principal part of the dwellinghouse;	N	N
(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development	N	N
(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.	N	N
<b>Conditions that the development must apply for Prior Approval for:</b>		
<b>A.A.2</b> (1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3)		
(2) The conditions in this sub-paragraph are as follows—		
(a) 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;	Y	Y
(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;	N	N
(c) 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; and	Y	Y
(d) 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.	Y	Y
(3) The conditions in this sub-paragraph are as follows—		
(a) before beginning the development, the developer must apply to the local planning authority for prior approval as to— (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light; (ii) the external appearance of the dwellinghouse, including the design and architectural features of— (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway; (iii) air traffic and defence asset impacts of the development; and (iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 (3) issued by the Secretary of State;	<b>See discussion below</b>	

**Discussion where matters require prior approval:**

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.

In a recent judicial review, CAB Housing Ltd & Ors v Secretary of State for Levelling Up, Housing and Communities & Ors [2022] EWHC 208 (Admin) (03 February 2022), Mr Justice Holgate concluded at the end of his judgement:

- (i) Where an application is made for prior approval under Class AA of Part 1 of Schedule 2 to the GPDO 2015, the scale of the development proposed can be controlled within the ambit of paragraph AA.2(3)(a);*
- (ii) In paragraph AA.2(3)(a)(i) of Part 1, “impact on amenity” is not limited to overlooking, privacy or loss of light. It means what it says;*
- (iii) The phrase “adjoining premises” in that paragraph includes neighbouring premises and is not limited to premises contiguous with the subject property;*
- (iv) In paragraph AA.2(3)(a)(ii) of Part 1, the “external appearance” of the dwelling house is not limited to its principal elevation and any side elevation fronting a highway, or to the design and architectural features of those elevations;*
- (v) Instead, the prior approval controls for Class AA of Part 1 include the “external appearance” of the dwelling house;*
- (vi) The control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.*

The subsequent “Cab Housing Limited” Court of Appeal judgment dated 23/02/2023, which upheld the below “Cab Housing Limited” High Court judgment dated 03/02/2022. The decision confirms the wide discretion awarded to local planning authorities when considering prior approval applications.

**Impact on amenity of adjoining premises:**

The application site is accessed via a unmade road via Well Road and heavily concealed within the rural landscape by way of tall trees and vegetation. The application property is substantially set away from other dwellings and is set back from the public highway. Therefore, it is not considered that the proposed development would result in overlooking, loss of privacy and light.

The proposal would meet criteria AA.2. (3)(a) (i) under Schedule 2, Part 1, Class AA of The Town and Country (General Permitted Development) Order 2015 (as amended).

**External appearance:**

Chapter 12 of the NPPF ‘achieving well-designed and beautiful places’ emphasises the importance of good design as a key aspect of sustainable development.

Paragraph 131 of the NPPF 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 135 of the NPPF further advises that decisions should ensure developments will function well, be visually attractive as a result of good architecture, sympathetic to local character and establish a strong sense of place. Paragraph 139 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 above objectives are broadly consistent with Policies SP1 and SP9 of the Council's Local Plan which require the standard of design in all new development to be of a high quality and that all new development respects and relates to the character and context of the area in which it is proposed, maintaining and where possible enhancing the character of the existing area.

Policy SP9 states that proposals will be required to deliver high quality design that fosters a positive sense of place by responding to a list of principles in an integrated and coherent way. The principles listed under the heading "Building function and form" include:

- *Development proposals respect neighbouring buildings and the surrounding context in terms of height, mass and scale.*
- *Development proposals are of a high quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.*
- *Alterations to buildings relate well to the character and proportions of the existing building and its curtilage, the surrounding context and the street scene in terms of their siting, height, mass, scale, detailed design and materials.*

The application property is a two storey detached dwelling, set within extensive grounds in a predominantly rural location. The dwelling is set back approximately 220m from the nearest highway and approximately 200m from the nearest neighbouring dwelling. The boundaries are largely screened by tall trees and vegetation.

The proposal seeks prior approval for the construction of two additional storeys to facilitate the enlargement of the dwelling to a maximum of approximately 17.8m in height. Although substantial in height, the position of the dwelling set well back from the highway would significantly limit potential views of the proposed upward extension. Some views could be possible from the surrounding landscape, however, these would be likely to be heavily filtered by vegetation, and the visual impact of the development would be moderated by the largely mid to long distances at which the development would be seen. Nevertheless, the extended dwelling would be clearly visible, prominent and imposing within its landscape setting as witnessed by anyone visiting the site.

The two storey extension would overwhelm the host dwelling in terms of its height, mass and scale. It would also fail to respect the surrounding context whereby buildings are generally single or two storeys in height.

In terms of architectural design, the Planning Statement which accompanied the application describes the existing dwellinghouse as "pseudo Regency style" and observes that all of the elevations are similar in design. It notes that the principal elevation is the west elevation which provides the main entrance to the dwellinghouse off the principal driveway. According to the Planning Statement "*There are no windows proposed in either of the side elevations (north or south elevations) of the proposed additional storeys or within the roof. Impressions (blind windows) are provided to create interest and symmetry on the side elevations.*"

Whilst the inclusion of 'blind windows' is acknowledged, the resultant dwelling would nevertheless lack the symmetry and proportions which are synonymous of regency architecture. The large expanses of windowless facades would appear contrived and would lend the building a top-heavy and disjointed appearance. As a result, the proposal fails to create a coherent and attractive form and instead represents a clear departure from the architectural style and appearance of the existing dwelling.

Accordingly, the development proposals are not of a high quality architectural design. Furthermore, the alterations to buildings fail to relate well to the character and proportions of the

existing building and the surrounding context in terms of height, mass, scale, detailed and design.

It is acknowledged that the proposed additional two storeys to the dwelling would replicate the existing roof form and pitch of the original dwelling. Also, that all exterior materials for the resultant dwelling would be of a similar appearance to those of the existing dwellinghouse. However, these factors do not outweigh the harm identified.

In conclusion, the proposal would result in development that would have an adverse impact on the external appearance of the dwelling house and would therefore not be permitted development under Paragraph AA.2.(3)(a)(ii) of Class AA, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

**Air traffic and defence:**

The dwelling would have minimal impact on air traffic and defence assets.

**Protected view:**

The development would not impact on a protected view identified in the Directions Relating to Protected Vistas.

**Objection - Herts Ecology**

An objection has been received from Herts Ecology and they requested a (PRA) Preliminary Roost Assessment to identify the potential of the property to support roosting bats. 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 (PRA) Preliminary Roost Assessment 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 refused.

The proposal would result in development that would have an adverse impact on the external appearance of the dwelling house and would therefore not be permitted development under Paragraph AA.2.(3)(a)(ii) of Class AA, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

**Reasons for Refusal:**

1. The proposal would result in development that would have an adverse impact on the external appearance of the dwelling house and would therefore not be permitted development under Paragraph AA.2.(3)(a)(ii) of Class AA, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

## REFUSED DRAWING NUMBERS

2.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
2755-1301	A	Site Location Plan	22 January 2024
2755-1307	A	Proposed Site Plan	22 January 2024
2755-1302	A	Existing Site Plan	22 January 2024
2755-1303	A	Existing Main House Plans	22 January 2024
2755-1304	A	Existing Main House Elevations	22 January 2024
2755-1308	A	Proposed Main House Floor Plans Sheet1	22 January 2024
2755-1309	A	Proposed Main House Floor Plans Sheet2	22 January 2024
2755-1310	A	Proposed Main House Elevations Sheet1	22 January 2024
2755-1311	A	Proposed Main House Elevations Sheet2	22 January 2024

### 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 March 2024