

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

DELEGATED APPLICATION

Application No: 6/2024/0669/PN27
Location: Woodlands Well Road Northaw Potters Bar EN6 4BN
Proposal: Prior approval for the enlargement of a dwelling house by the construction of an additional storey
Officer: Mr Mark Peacock

Recommendation: Prior Approval Required and Granted

6/2024/0669/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 seeks prior approval for the enlargement of a dwelling house by the construction of an additional storey. This application is a re-submission following the refusal of prior approval for the enlargement of a dwellinghouse by the construction of two additional storeys (application ref: 6/2024/0122/PN27). The previous application was refused on the grounds that the proposal would result in development that would have an adverse impact on the external appearance of the dwellinghouse.</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</p>

	<p>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> <p>Application Number: 6/2024/0122/PN27 Decision: Prior Approval Required and Refused Decision Date: 18 March 2024</p> <p>Proposal: The enlargement of a dwellinghouse by the construction of two additional storeys Reason for refusal: 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).</p> <p>Application Number: 6/2024/0132/LAWP Decision: Granted Decision Date: 23 April 2024 Proposal: Certificate of lawfulness for the erection of a single storey leisure outbuilding</p>
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The main issues are:

- 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

Development is Not Permitted be Class A if -		
	Yes / No	To be PD
A.A.1 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?	N	N
(b) The dwelling house is located on – i. article 2(3) land; or ii. A SSSI	N	N
(c) The dwellinghouse was constructed before 1 July 1948 or after 28 March 2018	N	N
(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	N	N
(e) Following the development the height of the highest part of the roof of the dwellinghouse would exceed 18m	N	N
(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 if one storey; or ii. 7m, where the existing dwellinghouse consists of more than one storey	N	N
(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 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;	N/A	N
(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
Conditions that the development must apply for Prior Approval for:		
A.A.2 (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—		
<p>(a) before beginning the development, the developer must apply to the local planning authority for prior approval as to—</p> <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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; 	See discussion below	
Discussion where matters require prior approval:		
<p>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.</p>		
<p>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:</p>		
<ul style="list-style-type: none"> (i) <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);</i> (ii) <i>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;</i> (iii) <i>The phrase “adjoining premises” in that paragraph includes neighbouring premises and is not limited to premises contiguous with the subject property;</i> (iv) <i>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;</i> (v) <i>Instead, the prior approval controls for Class AA of Part 1 include the “external appearance” of the dwelling house;</i> (vi) <i>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.</i> 		
<p>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.</p>		
Impact on amenity of adjoining premises:		
<p>The existing dwellinghouse is circa 200m from the nearest neighbouring dwelling. In addition, the topography and intervening trees means there is very little, if any, intervisibility between the existing dwellinghouse and any neighbouring dwellings. Given the distances and visual barriers, there would be no adverse impact on the amenity of any adjoining premises as a result of the proposed additional storey. The proposal would meet criteria AA.2. (3)(a) (i) under Schedule 2, Part 1, Class AA of The</p>		

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 is to add a single storey to the existing dwellinghouse above the existing two storey elements only. Following the development, the roof of the dwellinghouse would have a maximum height of approximately 13.2m. Whilst the extended dwelling would be clearly visible, prominent and imposing within its landscape setting as witnessed by anyone visiting the site, these views would be localised and the omission of an entire storey from the previous scheme means the current proposals do not overwhelm the host dwelling in terms of height, mass and scale. The position of the dwelling set well back from the highway would significantly limit potential views of the proposed upward extension from public vantage points. Whilst some views may be possible from the surrounding landscape and neighbouring buildings, 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. The resultant dwelling would not be read as part of a recognised street scene and consequently it would not appear as a prominent feature within the street scene.

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 is noted that the principal elevation is the west elevation which

provides the main entrance to the dwellinghouse off the principal driveway. This was not disputed in the recent application for a Certificate of Lawfulness.

The Proposed Floor Plans and Proposed Elevations show the position and dimensions of proposed new windows in the proposed new storey on the front and rear elevations only. A series of false (blank) windows are proposed on both side elevations of the proposed new storey to provide an array of windows that visually match the style and appearance of those found on the floor beneath. All of these false windows would be non-opening and do not permit views through in either direction. Submitted drawing 2755 1309 C shows a typical window detail comprising a proposed external view and a cross-section through the false windows.

The proposed additional storey to the dwelling would replicate the existing roof form and pitch of the original dwelling. The existing dwelling is white rendered with a slate roof. The windows and door frames are painted timber. New external materials will match those on the existing dwelling. These are labelled on the Proposed Elevations.

The proposed extension has been designed to respect the symmetry and proportions of the existing dwelling, which are synonymous of Regency architecture. As a result, the proposal would result in a coherent and attractive form which respects the architectural style and external appearance of the existing dwelling.

In conclusion, the proposal would not cause harm to the external appearance of the host property or its immediate surroundings. As a result, it would meet criteria AA.2. (3)(a) (ii) under Schedule 2, Part 1, Class AA of The Town and Country (General Permitted Development) Order 2015 (as amended). and, insofar as it is relevant to the subject matter of the prior approval, would not conflict with policies SP1 and SP9 of the Local Plan or the objectives of the NPPF.

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.

Representations

The representations made by Northaw and Cuffley Parish Council, North Mymms Parish Council and North Mymms Green Belt Society are noted. However, the matters they raise in relation to inappropriate development in Green Belt and harm to Green Belt openness are not ones that need assessment as part of a prior approval application, and consequently it is not necessary to consider them further.

Recommendation:

The evidence, analysis and justification submitted with this application confirms that the proposed enlargement of the dwellinghouse is permitted development in accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and that Prior Approval should be granted.

DRAWING NUMBERS

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
2755-1307	B	Proposed site plan	9 April 2024
2755-1304	A	Existing main house elevations	9 April 2024
2755-1311	C	Proposed main house elevations sheet 2	9 April 2024
2755-1310	C	Proposed main house elevations sheet 1	9 April 2024
2755-1301	A	Site location plan	9 April 2024
2755-1302	B	Existing site plan	9 April 2024
2755-1303	A	Existing main house plans	9 April 2024
2755-1308	A	Proposed main house floor plans sheet 1	9 April 2024
2755-1309	C	Proposed main house floor plans with typical window detail	9 April 2024
		Ordnance Survey	9 April 2024

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

Informatives:

1. 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.
2. Development is permitted by Class AA subject to a number of conditions:
 - 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;
 - b) The development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;
 - 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;
 - 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;

e) 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;

f) The development must be completed within a period of 3 years starting with the date prior approval is granted; and

g) 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.

3. 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.
4. 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.

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 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 Chris Carter
24 May 2024