
**PRIOR NOTIFICATION OF
A PROPOSED
ENLARGEMENT OF A
DWELLINGHOUSE BY THE
CONSTRUCTION OF TWO
ADDITIONAL STOREYS**

at

**WOODLANDS,
WELL ROAD, NORTHAW,
POTTERS BAR,
HERTFORDSHIRE,
EN6 4BN**

On behalf of

THE CURRENT OWNERS

References:

DK Planning & Development Ltd
Ref: DK/24001

Final Version
January 2024



1.0 INTRODUCTION

1.1 DK Planning & Development Limited is instructed by the current owners to advise on and pursue a Prior Notification application for the enlargement of Woodlands comprising of an additional two storeys of accommodation.

1.2 In our view, the proposals constitute permitted development as a consequence of The Town & Country Planning (General Permitted Development) (England) Order 2015 which came into force on 15th April 2015 as subsequently amended by S.I. 2016/332, S.I. 2016/765, S.I. 2016/1040, S.I. 2016/1154, S.I. 2017/391, S.I. 2017/571, S.I. 2017/619, S.I. 2017/1011, S.I. 2017/1012, S.I. 2018/119, S.I. 2018/343, S.I. 2018/695, S.I. 2019/907, S.I. 2020/330, S.I. 2020/412, S.I. 2020/632, S.I. 2020/755, S.I. 2020/756, S.I. 2020/1243, S.I. 2020/1459, S.I. 2021/428, S.I. 2021/467, S.I. 2021/814, S.I. 2021/1464, S.I. 2022/278, S.I. 2022/634, S.I. 2023/98, S.I. 2023/368, S.I. 2023/747 and S.I. 2023/1110.

1.3 Class AA of Part 1 of Schedule 2 of the 2015 Order (as amended) notes that permitted development includes:

The enlargement of a dwellinghouse consisting of the construction of –

(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or

(b) one additional storey, where the existing dwellinghouse consists of one storey,

immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

1.4 This report deals initially with the permitted alterations, and finally with the application for a determination as to whether the prior approval of the local authority is required (the Notification procedure). It provides a logical and in-depth analysis of the salient issues and draws upon other documentation that accompanies the application for support. It is structured from here to address the following matters:

- The existing dwellinghouse
- Planning history
- The proposals
- Analysis of the relevant criteria
- The Notification procedure
- Conclusion

2.0 THE EXISTING DWELLINGHOUSE

2.1 Woodlands is a dwellinghouse positioned towards the centre of a country estate some 1.5 km 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.



[Aerial photograph dated October 2020 courtesy of Google Earth]

- 2.2 For the purpose of this application, the application site comprises the dwellinghouse (the subject of the proposed additional storeys), formal gardens, terraces, swimming pool, outbuildings and tennis court, all visible in the centre of the aerial photograph on the previous page. This does not necessarily purport to be the extent of the residential curtilage of the dwellinghouse but suffice to say the curtilage does include the dwellinghouse.
- 2.3 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.
- 2.4 Below are a series of photographs that show various views of the existing dwellinghouse. Existing floor plans and elevations produced by Yiangou Architects (drawings 2755 1303 A and 2755 1304 A) also accompany this application.



[The north and east elevations of the existing dwellinghouse together with part of the adjacent garden including the outdoor pool. Photograph courtesy of the recent sales particulars produced by Savills and Strutt & Parker]



[The north elevation of the existing dwellinghouse together with the attached guest suite and part of the adjacent internal courtyard. Photograph courtesy of the recent sales particulars produced by Savills and Strutt & Parker]



[The south elevation of the existing dwellinghouse together with part of the adjacent terrace. Photograph courtesy of the recent sales particulars produced by Savills and Strutt & Parker]

2.5 The nearest residential properties to the existing dwellinghouse are some 200m distant to the southwest on Shepherds Way.

2.6 The dwellinghouse is within the administrative area of Welwyn Hatfield Borough Council. The Policies Map accompanying the Welwyn Hatfield Borough Council Local Plan 2016-2036, adopted in October 2023, shows that the dwellinghouse is within the Green Belt and outside of the nearby SSSI which covers Well Wood and Northaw Great Wood. It is not within an Area of Outstanding Natural Beauty (AONB) nor is it within a conservation area or National Park, i.e., it is not on Article 2(3) land. It is not a listed building.

3.0 PLANNING HISTORY

3.1 The most relevant application is an application submitted last year for various extensions to the dwellinghouse and the nearby managers cottage.

3.2 On 9th October 2023, Welwyn Hatfield Borough Council refused to grant a Certificate of Lawfulness for side and rear extensions on the main dwelling and the managers cottage (application ref: 6/2023/1497/LAWP). The application was rejected on the grounds that the proposed side extensions to the dwellinghouse (on the north and south elevations) did not conform to the relevant limitations, the proposed extensions adjoined other extensions, the proposed materials as well as the nature of upper floor side windows were not specified, and the managers cottage does not benefit from relevant permitted development rights.

3.3 We have paid due regard to the determination of this recent application in framing these current submissions as well as a significantly scaled back application for side and rear extensions to the dwellinghouse which form the basis of a separate and concurrent application for a Certificate of Lawfulness.

4.0 THE PROPOSALS

4.1 The proposal is to add two new storeys to the existing dwellinghouse above the existing two storey elements only. The existing first floor along with the new second

and third floors will provide sleeping accommodation for the family in a range of newly configured suites and bedrooms.

4.2 The proposed arrangement and alterations are shown on the following drawings submitted as part of this application:

- Drawing No. 2755 1301 A - Site Location Plan
- Drawing No. 2755 1302 A - Existing Site Plan
- Drawing No. 2755 1303 A - Existing Floor Plans
- Drawing No. 2755 1304 A - Existing Elevations
- Drawing No. 2755 1307 A - Proposed Site Plan
- Drawing No. 2755 1308 A - Proposed Floor Plans Sheet 1
- Drawing No. 2755 1309 A - Proposed Floor Plans Sheet 2
- Drawing No. 2755 1310 A - Proposed Elevations Sheet 1
- Drawing No. 2755 1311 A - Proposed Elevations Sheet 2

4.3 The Proposed Floor Plans and Proposed Elevations show the position and dimensions of proposed new windows in the proposed new storeys on the front and rear elevations only. A series of impressions (blank windows) are proposed on both side elevations of the proposed new storeys to create interest and symmetry on the elevations.

4.4 New external materials will match those on the existing dwelling. These are labelled on the Proposed Elevations.

5.0 ANALYSIS OF THE RELEVANT CRITERIA

5.1 This part of the Statement considers whether the proposed additional storeys comply with the various tests contained in paragraph AA.1 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5.2 We will now run through the various tests in order, commenting on whether the proposed additional storeys (as shown on the submitted drawings) comply or do not. The tests are all pre-fixed by the words "AA.1 Development is not permitted by Class AA if—" so our responses are framed with this in mind.

(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, O, P, PA, or Q of Part 3 of this Schedule (changes of use);

Permission to use the dwellinghouse as a dwellinghouse was not granted only by virtue of Class G, M, MA, N, O, P, PA, or Q of Part 3 of this Schedule (changes of use).

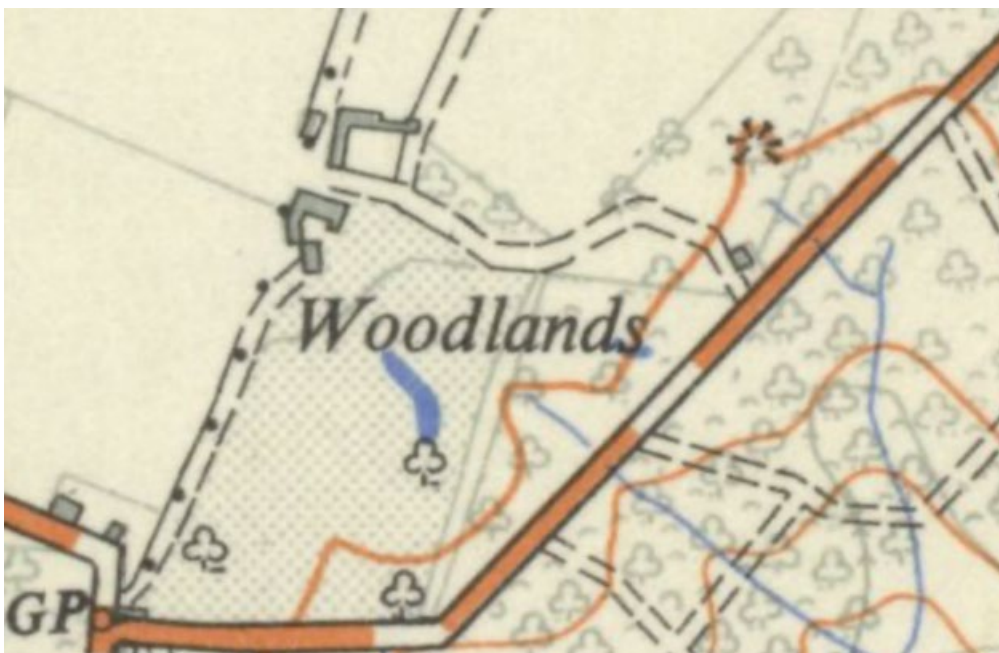
(b) The dwellinghouse is located on -

- (i) article 2(3) land; or**
- (ii) a site of special scientific interest;**

The dwellinghouse is not on Article 2(3) land nor on a site of special scientific interest.

(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;

The existing dwellinghouse was originally constructed in the 1970s as referred to in the recent sales particulars produced by Savills and Strutt & Parker as well as in an article in Country Life published in 2021 around the time of the sale.



[Extract from the OS Map 1957]

Forming part of the application submissions is an OS plan of the area containing the site printed and published in 1957 – an extract is provided on the previous page. The plan form of the dwellinghouse shown on the OS plan bears no resemblance to the plan of the existing dwellinghouse thereby supporting the fact that the existing dwellinghouse was constructed post 1957 on the site of a former dwelling. The existing dwellinghouse was, therefore, constructed after 1st July 1948 and before 28th October 2018.

(d) the existing dwellinghouse 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;

The original dwellinghouse consisted of two storeys with a roof over. No additional storey has been added over and above the original.

(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;

Following the development, the roof of the dwellinghouse will have a maximum height of 17.8m.

(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) 3.5 metres, where the existing dwellinghouse consists of one storey; or**
- (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;**

The existing dwellinghouse is two storeys and the existing roof has a maximum height of 10.8m. Following the development, the roof of the dwellinghouse will have a maximum height of 17.8m. The proposed increase in height is some 7.0m only.

(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;

The dwellinghouse is detached.

(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;

The floor to ceiling height of the proposed additional storeys is 2.95m.

(i) any additional storey is constructed other than on the principal part of the dwellinghouse;

The principal part of the dwellinghouse is all of the existing two storey element. It does not include any of the single storey elements. The additional storeys are proposed above the principal part of the dwellinghouse only.

(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;

There will be no visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development.

(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;

The development will not include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

- 5.3 In addition to the above limitations, Class AA.2 notes that development is permitted by Class AA subject to conditions contained in paragraphs AA.2(2) and AA.2(3). We will deal with the conditions contained in paragraph AA.2(2) below and then deal with the conditions contained in paragraph AA.2(3) in section 6 of this statement.

(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;

The materials to be used in the construction of the additional storeys are of a similar appearance to those used in the construction of the exterior of the ground and first floor on the existing dwellinghouse. The new roof will be of a similar appearance to the existing roof. This is confirmed on submitted drawings 2755 1310 A and 2755 1311 A - Proposed Elevations.

(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse;

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.

(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;

The design of the roof, its pitch and use of materials will be identical to the roof 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;

Following the development, the dwelling will be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order.

5.4 Given the above, the construction of the proposed additional storeys is permitted development by virtue of Class AA of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).

6.0 THE NOTIFICATION PROCEDURE

6.1 The conditions contained in paragraph AA.2(3) state:

- (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 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;*
 - (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(a) issued by the Secretary of State;*
- (b) 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 occupiers will be mitigated;*

- (c) the development must be completed within a period of 3 years starting with the date prior approval is granted;*
- (d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and*
- (e) 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.*

6.2 Where a developer is required to make an application to a local planning authority for a determination under paragraph AA.2(3)(a) as to whether the prior approval of the authority will be required (as in this case), paragraph AA.3(2) notes that the application must be accompanied by:

- (a) a written description of the proposed development, including details of any works proposed;*
- (b) a plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and*
- (c) a plan which is drawn to an identified scale and shows -*
 - (i) the existing and proposed elevations of the dwellinghouse; and*
 - (ii) the position and dimensions of the proposed windows.*

6.3 The proposed development is described in section 4 of this Statement. The existing dwellinghouse is to be extended by the addition of two new storeys above the existing two storey elements only.

6.4 A site location plan (drawing 2755 1301 A) and a proposed site plan (drawing 2755 1307 A) accompany the application. The proposed internal layout is shown on submitted drawings 2755 1308 A and 2755 1309 A. Existing and proposed elevations are shown on submitted drawings 2755 1304 A, 2755 1310 A and 2755 1311 A. The proposed elevations show the position and dimensions of the proposed windows. They also confirm that no windows are proposed on either of the side elevations of the proposed additional storeys.

6.5 In response to the relevant matters in paragraph AA.2(3)(a), we provide the following:

Impact on the amenity of adjoining premises

6.6 The existing dwellinghouse is circa 200m from the nearest 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, we conclude that there will be no adverse impact on the amenity of any adjoining premises, particularly in relation to overlooking, privacy or loss of light, as a result of the proposed additional storeys.

The external appearance of the dwellinghouse

6.7 In our view, the principal elevation of the existing dwellinghouse is the west elevation. This was not disputed in the recent application for a Certificate of Lawfulness. Of the two side elevations, the north elevation clearly does not front a highway. The south elevation is over 250m from The Ridgeway. The Permitted development rights for householders – Technical guidance issued by the MHC&LG in September 2019 refers to the extent to which an elevation of a house fronts a highway on page 16. In the case of Woodlands, the distance to the highway is substantial. In addition, the dwellinghouse fronts onto a significant area of parkland/pleasure grounds which sit between it and the highway. In our view, the south elevation does not front a highway. In its determination of the recent application for a Certificate of Lawfulness, the Council also agrees that the north and south elevations of the existing dwellinghouse do not front a highway.

6.8 Drawings showing the existing dwellinghouse together with the full extent of works planned to the building are submitted with this application.

6.9 The existing dwellinghouse is white rendered with a slate roof. The windows and door frames are painted timber. These features of the existing dwellinghouse will be retained and where necessary they will be replicated. Above all, the proposals retain the form and character of the existing building.

Air traffic and defence assets

6.10 We are not aware of any nearby aerodromes nor of any defence assets in close proximity to the application site. In any event, the proposed increase in height of the existing dwellinghouse by only 7.0m is unlikely to have any adverse effects on air traffic or defence assets given the topography of the surrounding land as well as the height of nearby trees.

Protected views

6.11 The siting of the dwellinghouse and the proposed changes will have no impact on any of the protected views identified in the Secretary of State for Communities and Local Government Directions relating to Protected Vistas 2012.

7.0 CONCLUSION

7.1 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.

7.2 We look forward to the receipt of a favourable outcome in due course.

DK Planning & Development Limited
January 2024