

Our Ref SA.NP.LIMA/2989872-0001

Date 21<sup>st</sup> April 2016



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For the attention of Mr S Dicocco

Dear Sirs

**Re Town and Country Planning Act 1990  
Application Reference : 6/2016/0391/VAR  
Property : 45 Northaw Road East, Cuffley**

We are instructed by the residents of 43 Northaw Road East, Cuffley, Herts, EN6 4LU. Our clients' property is adjacent to the site which is the subject of the above mentioned planning application, 45 Northaw Road East, Cuffley (**'the Property'**).

The Applicant has submitted an application under reference 6/2016/0391/VAR (**'the Variation Application'**) to vary Condition 1 relating to approved plans of Planning Permission 6/2015/2223/HOUSE (**'the Original Application'**).

The Variation Application has been submitted by the Applicant after our client made the Local Authority aware of discrepancies between the development approved under the Original Application and that which was being constructed on site.

The wall of the dwelling is taller, resulting in a ridge height which is greater than that which was originally approved. This has a knock-on-effect on the height of the dwelling. We are also instructed that there are discrepancies between the arrangements of the fenestration facing our clients property which is still not accurately reflected in the drawings submitted with the Variation Application. We are instructed that within the middle dormer facing our clients' property there is an additional single window that has been installed. This should be removed as it does not form part of the plans of the Original Application and it is not shown in the Variation Application.

We are planning solicitors that specialise in this area of law acting for individuals, developers and Local Authorities. Our client wishes us to object to this application in the strongest possible terms.

**Planning Appraisal**

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The property is located on the East side of Northaw Road East. The Property consists of a bungalow with front and rear gardens and a garage. The street scene and surrounding area is residential in character. The Original Application permitted a single storey side and rear extension, works to the roof to include a roof extension to the rear, six dormer windows within the side elevation and a Juliette balcony in the rear roof slope.

The Planning Officer's Report for the Original Application states that the extensions and dormers proposed as part of that application were similar in proportion to a number of existing extension and loft conversions within the street scene, including extensions to Nos.43 and 47 Northaw Road East on the same side as the property and Nos. 34, 36, 38 and 42 Northaw Road East opposite the property.

That is simply not accepted in that the bulk and mass of the extensions permitted at No.45 are not reflected in any of the other properties in this area.

Whilst we appreciate that Planning Permission has been granted for development under the Original Application and the Applicant is fully entitled to build out that development our objection centres around the simple fact that the Original Application in our view should not have been acceptable in planning terms and that the variation now sought deems the development even more unacceptable and contradictory to planning policy.

Northaw Road East is characterised by detached bungalows situated within spacious plots. Policy GBSP2 of the Welwyn Hatfield District Plan 2005 (**'the Local Plan'**) refers to specified settlement of which Cuffley is specifically listed.

Policy GBSP2 states that:

*'development within 'specified settlements' will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries'.*

It has already been stated that the approved development at No.45 is out of keeping with the street scene and character of the area and disproportionate to the other dwellings in the area, none of which have been developed to the extent approved at No.45. The development already approved creates a feeling of over development with its disproportionate bulk and mass which will be exacerbated further by the alterations proposed under the Variation Application. The variations proposed are therefore in direct conflict with Policy GBSP2.

Policy D1 of the Local Plan relates to quality of design. The Council requires the standard of design in all new developments to be of a high quality. The design of new developments should incorporate the design principles and policies in the plan and the guidance contained in the Supplementary Design Guidance.

Policy D2 of the Local Plan relates to character and context. The Council will require all new development to respect and relate to the character and context of the area in which it is proposed. Development proposals should, as a minimum, maintain, and where possible, should enhance or improve the character of the existing area.

Northaw Road East is characterised by detached bungalows situated within spacious plots. It is accepted that a number of dwellings were originally built to the same design, however, there has been a number of redevelopment in the area, where the bungalows have created a first floor level. It is not accepted that the development approved respects and relates to the character and context of the area in which the property is situated. The changes proposed within the Variation Application further worsen the height, bulk and mass of the approved scheme and should therefore not be deemed acceptable.

The Residential Design Guidance published by Welwyn Hatfield Borough Council states that the Council requires that:-

1. Extensions should be designed to complement and reflect the design and character of the dwelling and be subordinate in scale.
2. The extension must not reduce the space around the dwelling to such an extent that the dwelling looks cramped on its site. The spacing of buildings adjacent to and in the locality of the site should be reflected.
3. The extension should not cause loss of light or be unduly dominant from adjoining properties, as a result of either the length of projection, the height or proximity of the extension. 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.

The approved scheme already directly conflicts with all of the residential design guidance points set out above in that the proposed extensions are not :-

- Subordinate in scale
- Look cramped on its site
- Does not reflect the spacing of buildings adjacent to and in the locality of the site.
- Is unduly dominant for the adjoining property.
- And the dormer windows are not subservient to the roof or in proportion to the existing fenestration of the property.

On that basis it is questionable as to whether the proposed development should have been permitted in the first place let alone any further increase in the height and bulk on the dwelling.

### **Conclusion**

The proposed variation would impact on the character and appearance of the existing property and the surrounding area and are therefore in direct conflict with policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

The development permitted on site of which we are aware is approved (and cannot be withdrawn) already impacts on the street scene and character of the area, creating a feeling of overdevelopment. The development already approved on site allows additions to the property which already create an impression of bulk and mass. The proposed variations would worsen that impact and we would respectfully ask the Local Authority to refuse this application. The Variation Application further impacts on our clients' privacy, the dormers that face our clients' property now being higher overlook into the skylights which are in our clients' bedroom and kitchen. There is a clear lack of separation between our clients' property and the extensions proposed which results in the neighbouring property being developed so that it appears dominant and disproportionate in the street scene.

The Planning Officer will also be aware of the omission in the approved permission of a condition to obscure the windows facing our clients' property in order to reduce overlooking. The officer that dealt with the permission approved stated in her report that the side dormers "will be fixed and obscure glazed by way of planning condition" in order to prevent overlooking to our clients at No.43. That condition was never included within the Planning Permission and we would therefore respectfully ask, although our client objects to this application, that this condition is included should officers be minded to grant permission. Once again we reiterate that the fenestration installed at the property is not accurately reflected on the drawings submitted with the Variation Application.

If you require any further information please do not hesitate to contact the solicitor with conduct of this matter whose details are provided at the foot of this letter.

Yours faithfully,



Attwaters Jameson Hill

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