

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2009/0220/LU
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NOTATION:

The site lies within the Green Belt and Landscape Character Area (53) as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The site is located on the eastern side of Coopers Lane, to the southwest of the main village of Northaw. The site lies to the south of the main vehicular entrance point, with its western boundary abutting Coopers Lane, its eastern boundary adjacent to a walled former kitchen garden and the southern boundary abutting open land. There are a number of mature Oak and Horse Chestnut trees within the site. A number of these are the subject of a Tree Preservation Order (TPO 263 confirmed on 16 December 2002).

The site was formerly part of the Northaw House Country Estate. The principal building, Northaw House, is Grade II listed and has been used as an office since the early 1970's, primarily occupied by the Architects' Co-Partnership. Prior to the office use the site has indication of use as an institution or hospital. Northaw House is situated in a parkland setting, directly to the east of the subject proposal with associated ancillary buildings (gardeners cottage, stables and apple store) walled kitchen garden and associated land.

The site currently comprises a part built replacement dwelling which is the subject of disagreement regarding the size of the development. At the same time as this planning application, two others were submitted comprising a further full planning application and certificate of lawfulness.

DESCRIPTION OF PROPOSAL:

The application seeks a lawful development certificate for a replacement dwelling (proposed). The application is based upon the 2006 planning application (S6/2006/1596/FP) which was for a replacement dwelling including dormer windows.

PLANNING HISTORY:

S6/2003/0547/FP Replacement dwelling - Withdrawn

S6/2003/1130/FP

Erection of a replacement dwelling of a floor space greater than that approved under reference S6/1999/1099/FP on 28 January 2004 - Refused

S6/2004/113/FP

Replacement dwelling (approximately the same floor space as that permitted under reference S6/1999/1099/FP but of a different design)- Granted

S6/2005/0202/FP

Replacement dwelling

An appeal against the Council's failure to determine the application was lodged (reference APP/C1950/A/05/1183420) – Appeal Allowed

S6/2006/211/FP

Replacement detached dwelling and car port – Refused

S6/2006/1596/FP

Replacement dwelling incorporating the installation of four semi dormer windows to front and rear elevations – Granted

S6/2009/0218/FP

Erection of replacement two bedroom dwelling incorporating the installation of two semi-dormer windows to each front and rear elevation, minor variation to planning approval S6/2006/1596/FP, including side eastern extension, revised fenestration, alterations to the front portico and omission of the garage block - Concurrent

S6/2009/0333/FP

Replacement three bedroom dwelling incorporating the installation of two semi-dormer windows to each front and rear elevation, minor variation to planning approval S6/2006/1596/FP, including east wing extension, revised fenestration, alterations to front portico and omission of the garage block - Concurrent

SUMMARY OF DEVELOPMENT PLAN POLICIES:

Not applicable

CONSULTATIONS

Not applicable

TOWN/PARISH COUNCIL COMMENTS

Not applicable

REPRESENTATIONS

Not applicable

DISCUSSION:

The main issues are:

1. Whether the development is identical to that approved under planning application S6/2006/1596/FP.

The above planning application was described on the application form as 'Installation of 4 'semi'-dormer windows, however this was amended during the course of the application to 'Replacement dwelling incorporating installation of four semi dormer windows to front and rear elevations'. This was approved by Planning Control Committee on the 17th January 2007.

This application was accompanied by a site location plan at a scale of 1:250 (A3 paper) (the plan was submitted on A4 paper), north, east, south and west elevations. No floor plans accompanied the application. Neither had a scale been included on the elevational drawings.

With the current application, scales have been included on the drawings as well as a scale bar – however it has been necessary to 'calculate' the measurements as the scale bar is not an exact/accurate scale of 1:50.

Additionally, due to the inaccuracies between the 2006 drawings with the site plan showing the footprint of a car port and east wing whilst the elevational drawings did not, it has also been necessary to seek advice regarding the legality of both of these elements.

After the decision on the 2006 application was made, minor amendments were submitted requesting alterations to the fenestration of the west wing, setting back of the east wing and omission of the covered garage (Domus letter dated 27th February 2008). Reply from ourselves (Local Planning Authority) dated 21 May 2008, advised that the minor amendments could be accepted, reference was made to the drawing numbers submitted...of the West Elevation.

Advice has been received advising that the view given by the enforcement officer (email dated 18 February 2008) regarding the set back of the east wing is an informal view and there is no role for estoppel in planning and for the same reason the fact that the Council was prepared to accept as a minor amendment a revised site plan does not alter this view.

Therefore planning permission for the East Wing has not been granted. The plans submitted show the East Wing and therefore the Certificate cannot be granted for this reason. However, it is necessary to also confirm whether the plans submitted with the certificate are the same in all other regards as the 2006 permission. There is discrepancy between the scales (as previously mentioned) and it has therefore been necessary to recalculate each elevation.

	2005/1596	2009/222
North elevation		
Main (2 storey element)	16	17
Each side adjacent to portico)	5.6	6
Portico	4.9	5
West Wing	5.2	5.4
West elevation		
Portico	1	1
Main build	3.7	3.6
Wing	11.6	12.4
East elevation		
Wing	5.6	5.6
Main build (i.e. depth)	9.5	10.45
Height		
Main	6.5	6.7
West Wing	4.8	5.2
Portico	5.5	6.2
Eaves – Main	4.7	5
Eaves - West	3.2	3.3

It can be seen that there are variations to all of the figures – some more significant than others. Even allowing for minor error between calculations and enlargement of the site plan, it is considered that variations such as the depth of the main building

and also the depth of the west wing (east and west elevations respectively) of 800 and 1000mm would not fall within these tolerances. Therefore it is considered that the 2009 application is also shown as being too large in relation to its depth.

CONCLUSION:

It is therefore concluded that the Certificate of Lawfulness should be refused due to the addition of the East Wing and the increased depth of the main building and West Wing. The description of the development should also be amended to 'Certificate of lawfulness for proposed development comprising replacement dwelling based upon approved application S6/2006/1596/FP'.

RECOMMENDATION: REFUSAL AND REASON (S)

The proposed development does not comply with the drawings approved under application S6/2006/1596/FP received and dated 24 November 2006 comprising site plan (1:250), north, south, east and west elevations and those approved as a minor amendment to this application on the 21st May 2008. The drawings submitted with this application (S6/2009/0220) include an 'East Wing' which has not been granted approval as well as an increase in the depth of the building of approximately 800mm to the 'West Wing' and approximately 950mm to the Main building.

DRAWING NUMBERS:

COL/001 & COL/002 & COL/003 & COL/004 & COL/005 & COL/006 & COL/007
received and dated 30 January 2009

Signature of author..... Date.....