

Part I

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Executive Member: Councillor J. Quinton
(Northaw and Cuffley)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 13 SEPTEMBER 2023
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/1042/HOUSE

21 HOMEWOOD AVENUE CUFFLEY POTTERS BAR EN6 4QG

ERECTION OF TWO STOREY REAR, PART SINGLE STOREY AND PART TWO
STOREY SIDE AND FRONT EXTENSIONS, INCORPORATING NEW ROOF
STRUCTURE WITH RAISED RIDGE HEIGHT AND ASSOCIATED ALTERATIONS

APPLICANT: MR & MRS MICHAEL AND LISA EVANS

1 Background

- 1.1 This application follows several recent applications for similar proposals which were refused.
- 1.2 Application references 6/2022/0336/HOUSE and 6/2022/1132/HOUSE had descriptions of “*Erection of two storey rear extension, first floor side extension, two storey front extension, new roof involving the raising of the roof ridge and the erection of front boundary walls/gates/railings*”. Whilst there were some amendments made between the two applications, they were both refused for the following reason:
- 1. The proposed development, by virtue of its size, scale, design and layout, would fail to represent a subservient addition to the existing dwelling and would result in a cramped form of development. The proposal would overwhelm the existing dwelling and appear unduly prominent within the streetscene, to the detriment of the surrounding character and appearance. Accordingly, it is considered that the proposed development represents a poor standard of design and is therefore contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005; Policy SP9 of the Welwyn Hatfield Draft Local Plan 2016; the Welwyn Hatfield Supplementary Design Guidance 2005; and the National Planning Policy Framework.*
- 1.3 The most recent application of 6/2022/2443/HOUSE had a description of “*Erection of two storey rear, part single storey and part two storey side and front extensions, incorporating new roof structure with raised ridge height and associated alterations*”. This application made some further amendments which included the removal of the enclosure to the front garden, as well as the removal of the rear dormer and the setting in of the first-floor side extension. The application was however refused for the following reason:
- 1. The proposed development, by virtue of its size, scale and design would fail to represent a subordinate addition to the existing dwelling and would overwhelm the existing dwelling, appearing unduly prominent, to the*

detriment of the appearance of the streetscene and the character of the area. Accordingly, the proposed development represents a poor standard of design and is therefore contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005; Policy SP9 of the Welwyn Hatfield Draft Local Plan 2016; the Welwyn Hatfield Supplementary Design Guidance 2005; and the National Planning Policy Framework.

- 1.4 An appeal against this decision was dismissed.
- 1.5 This current application has been submitted to the Council to address the dismissed appeal and overcome the reasons for refusal of planning permission. The amendments made in relation to the dismissed appeal are discussed below.

2 Site Description

- 2.1 The application site is located to the eastern side of Homewood Avenue and consists of a two-storey detached dwelling.
- 2.2 Homewood Avenue is a residential area of mainly detached, two storey, brick-built dwellings. It forms one of a string of properties characterised by straight gables and with front and rear gardens. Dwellings are set to either side of the road with a generally consistent, but not absolute, building line and with landscaping to their front spaces which also allow off-street parking. The landscaping, the generally common building lines, the comparable heights of the dwellings, the straight gables and the generally common use of building materials, all add positively and distinctively to the character and appearance of the area. Spacing around dwellings is generally limited to approximately 1m.

3 The Proposal

- 3.1 The proposal is for the erection of a two-storey rear extension, along with a part single storey and part two storey side extension and single storey front extensions. This application seeks to overcome previous reasons for refusal, which are set out above within the 'Background' section of this report. The most significant change is to the roof, which in the latest application is a gabled design, compared to the previous applications which featured hipped roofs. This change has raised the ridge height very slightly by 10mm. Some minor alterations to fenestration have also been made.

4 Reason for Committee Consideration

- 4.1 This application is presented to the Development Management Committee because Northaw and Cuffley Parish Council have submitted a Major Objection.

5 Relevant Planning History

- 5.1 Application Number: E6/1972/2097/
Decision: Granted
Decision Date: 03 July 1972
Proposal: Garage and conversion of existing garage to living room.
- 5.2 Application Number: S6/1983/0323/
Decision: Granted
Decision Date: 20 June 1983

Proposal: Single storey rear extension

5.3 Application Number: 6/2022/0336/HOUSE

Decision: Refused

Decision Date: 26 April 2022

Proposal: Erection of two storey rear extension, first floor side extension, two storey front extension, new roof involving the raising of the roof ridge and the erection of front boundary walls/gates/railings

5.4 Application Number: 6/2022/1132/HOUSE

Decision: Refused

Decision Date: 12 July 2022

Proposal: Erection of two storey rear extension, first floor side extension, two storey front extension, new roof involving the raising of the roof ridge and the erection of front boundary walls/gates/railings

5.5 Application Number: 6/2022/2443/HOUSE

Decision: Refused (and dismissed at appeal)

Decision Date: 6 January 2023 (appeal dismissed 12 May 2023)

Proposal: Erection of two storey rear, part single storey and part two storey side and front extensions, incorporating new roof structure with raised ridge height and associated alterations

6 Relevant Planning Policy

6.1 National Planning Policy Framework (NPPF)

6.2 Welwyn Hatfield District Plan 2005 (District Plan)

6.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)

6.4 Northaw and Cuffley Neighbourhood Plan 2022 to 2036 (Neighbourhood Plan)

6.5 Supplementary Design Guidance 2005 (SDG)

6.6 Supplementary Planning Guidance, Parking Standards 2004 (SPG)

6.7 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

7 Site Designation

7.1 The site lies within the settlement of Cuffley as designated in the Welwyn Hatfield District Plan 2005.

8 Representations Received

8.1 The application was advertised by means of neighbour notification letters. In total, three representations have been received, comprising three comments. All representations received are published in full on the Council's website and are summarised below:

- The layout plan refers to bedrooms 1, 2 and 4. The application form and statement make no reference to the number of bedrooms. It is not clear how many bedrooms the property will have.
- The application form makes reference to the materials proposed for the exterior, but the plans show no detail on the proposed appearance. Please ensure that the consent is conditioned.
- No 21 has a shared foul and surface water drain with No 23 that crosses to the rear of No 21 and then under parts of No 23. The proposals have a large additional number of bathrooms etc generating significant additional outflows. A condition should be included for a separate new drainage connection to the sewer in the road.
- The proposal appears to retain the right hand side elevation of the existing house with no encroachment towards No 23. The maintenance of the existing RHS building line should be a conditioned, with a Party Wall Surveyor appointed.
- The proposals do not change much from the previous ones, with the exception of the roof.
- The window on the side of the property overlooks my patio and I would like to ensure that obscure glass is a condition of planning application should it be granted.

9 Consultations Received

9.1 No consultee comments received.

10 Town/Parish Council Representations

10.1 Northaw and Cuffley Parish Council have raised a major objection to the proposed development for the reasons set out below:

“The Parish Council reviewed this application in detail at a meeting held on 28th June 2023 and raise a major objection on the following basis: The development shows a roof height that is in contravention of the Northaw & Cuffley Neighbourhood Plan Policy D1.”

11 Analysis

11.1 The main planning issues to be considered in the determination of this application are:

- 1. Quality of design and impact on the character of the area**
- 2. Residential amenity**
- 3. Highways and parking considerations**
- 4. Other considerations**

1. Quality of design and impact on the character of the area

11.2 District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. Policy GBSP2 of the Welwyn Hatfield District Plan 2005 states that development within the specified settlements will be limited to that which is compatible with the maintenance and enhancement of their character. These policies are expanded upon in the Council’s Supplementary Design Guidance

(SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area.

- 11.3 These objectives are broadly consistent with Policies SP1 and SP9 of the Council's Emerging Local Plan and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 11.4 As discussed above, this application aims to address the dismissed appeal and overcome the reasons for refusal of the previous planning application. In this regard, the appeal decision and the appeal Inspector's comments are material considerations that should be taken into account in deciding this planning application.
- 11.5 Following a description of the site and surrounding area, along with detailing the proposed development, the Inspector stated:

"The proposed development would not raise the ridge of the property significantly when compared to the adjoining dwellings. The overall scale and massing would also not be inappropriate within its plot and within the overall street scene. It would not therefore appear as an unacceptably large form of development. The generally consistent building line would be maintained, and the use of external materials could be controlled by a condition.

However, the overall design of the roof, including the use of a hipped roof, would differ significantly from the general building form in the immediate area of straight gables, such that the overall result of the proposed development would be to affect the general style of the area significantly and adversely and therefore its character and appearance."

- 11.6 The above is of significance in relation to this proposal. This is because the Inspector raises no objection to the scale and massing of the proposed extensions, and no objection to the height of the roof. The Inspector's decision turned on a single issue – the hipped design of the roof.
- 11.7 The applicant has taken on board the Inspector's comments and amended the design of the main roof which, under the current proposal, features a ridge running between two gable walls, similar to other properties within the streetscene.
- 11.8 The gabling of the roof has raised the ridge height very slightly (by 10mm) compared to the previously refused hipped roof. This change is considered negligible and would not harm the appearance of the application dwelling or the character of the area where a limited degree of variance in ridge heights is witnessed.
- 11.9 It is acknowledged that the single storey front extension would retain a hipped roof, however, this is not objectionable due to its limited scale which is clearly subservient to the main roof of the dwelling. This element of the proposal would not appear unduly discordant within the streetscene. It is therefore considered that since the main roof is now of a gable design, this element of the proposal is acceptable.

- 11.10 The Major Objection submitted by Northaw and Cuffley Parish Council is in relation to the development showing a roof height that is in contravention of the Northaw & Cuffley Neighbourhood Plan Policy D1.
- 11.11 The Parish Council's objection does not identify any harm resulting from the proposal and, in Officer's opinion, none would occur.
- 11.12 The Parish Council are of the opinion that the proposed roof height is in contravention of Policy D1 of the Neighbourhood Plan, however, this policy applies only to a closed list of development types which does not include householder extensions. Policy D1 states "*As appropriate to their scale, nature and location, development proposals for plot sub-division, infill and back land development should respond positively to the following issues and design features*". Members are therefore advised that no weight should be attributed to Policy D1 in the consideration of householder applications such as this.
- 11.13 Notwithstanding the above, it is noted that criteria e) of Policy D1 states "*Ridge heights will be required to be in conformity with the adjacent properties to retain a continuous frontage*". Whilst Policy D1 may not refer to householder extensions, an increase in ridge height is a consideration in more general design terms. In this regard it is important to note the appeal Inspector's observation in relation to the previous application: "*The proposed development would not raise the ridge of the property significantly when compared to the adjoining dwellings.*"
- 11.14 From observing the submitted plans, the existing ridge height reaches approximately 7.6 metres, whilst the proposed ridge height would reach approximately 8.4 metres. In comparison, the neighbouring property at No.23 has a ridge height of approximately 7.9 metres, whilst the neighbouring property to the opposite boundary at No.19 has a ridge height of approximately 8.4 metres. It is considered that the proposed increase in ridge height would therefore not appear discordant, especially due to the variation of ridge heights that exist within the street scene, the change in land levels and the set back of the dwelling from the highway, as well as the fact that the roof would slope away from the site frontage. For all of these reasons, it is therefore considered that the increase in the height of the roof would not harm the appearance of the dwelling or the character of the area. In the absence of any identifiable harm, it is officer's opinion that a refusal of planning permission would not be reasonably justified on planning grounds.
- 11.15 Matching materials are also proposed, which will form the imposition of a condition to ensure the character of the area is maintained.
- 11.16 In summary, the amendments made to the design of the roof have overcome the previous reasons for refusal of planning permission. The design of the proposal would be of a good quality and would respect and relate to the general character of the area and the surrounding dwellings. The development is therefore considered to be in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policy SP9 of the Welwyn Hatfield Draft Local Plan 2016, the Welwyn Hatfield Supplementary Design Guidance 2005 and the National Planning Policy Framework 2021. There would also be no conflict with the Northaw & Cuffley Neighbourhood Plan.

2. Residential amenity

- 11.17 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 11.18 The impact of the proposed development on the residential amenity of neighbouring dwellings is considered in terms of the impact on neighbouring properties access to day/sun/sky light, privacy, overbearing and overshadowing. Policy D1 of the District Plan seeks to provide a good standard of design in all new development. The Council's SPD on design supplements Policy D1 outlining that residential applications for extensions and alterations should not cause loss of light or be unduly dominant from adjoining properties, as a result of either the depth of the projection, the height or proximity of the extension.
- 11.19 As the proposal is similar to the proposals which were refused under references 6/2022/0336/HOUSE, 6/2022/1132/HOUSE and 6/2022/2443/HOUSE, this section of the report remains similar to the previous officer reports.
- 11.20 The neighbour representations that have been received are acknowledged and the comments have been addressed within the report. It should be noted that some of the comments received are not matters that can be considered within a planning application and thus no further comment is made.
- 11.21 Due to the distance, it is considered that occupants of neighbouring properties to the front and rear of the application site will not be detrimentally impacted as a result of the proposed development.
- 11.22 It is considered that whilst the roof ridge is to be raised and a two storey rear and front extension is to be added, the amenity of the neighbouring occupants at No.23 to the north-west would not be significantly impacts as a result of the proposal. This is due to an appropriate and somewhat large gap being maintained between the flank wall of the application dwelling and the flank wall of the neighbouring dwelling of No.23. The proposed two storey front and rear extensions are also not considered to protrude significantly beyond the front and rear walls of No.23 so as to pose a significant loss of amenity to the occupants.
- 11.23 As for the neighbouring dwelling at No.19 to the south-east, whilst it is acknowledged that the proposed side extension would bring the dwelling closer to the neighbouring dwelling of No.19, it is however considered that together with the raising of the roof ridge and other proposals, there would not be a significant impact upon the amenity of these neighbouring residents so as to form a reason for refusal of this application. Whilst the gap between the application dwelling at No.19 is smaller than to the other side of the site, and it is noted that No.19 is set further forward into the site, it is however considered that the proposed two storey front and rear extensions would not protrude significantly beyond the front and rear walls of No.19 so as to pose a significant loss of amenity to the occupants.
- 11.24 Whilst there will be additions of first floor flank elevation windows, these are proposed to serve the landing area and an ensuite so are unlikely to pose a significant loss of privacy. Notwithstanding this, a condition requiring any first

floor flank elevation windows to be obscure glazed will be imposed upon any grant of permission.

- 11.25 With the above, it is therefore considered that the size, scale, siting and design of the proposed development would have minimal impact on the residential amenity of the surrounding neighbouring properties and is considered acceptable and is in accordance with Policy D1 of the Welwyn Hatfield District Plan, Policy SADM11 of the Welwyn Hatfield Draft Local Plan 2016, the Welwyn Hatfield Supplementary Design Guidance 2005 and the National Planning Policy Framework 2021.

3. Highways and parking considerations

- 11.26 Policy M14 of the District Plan and the Parking Standards SPG use maximum standards that are not consistent with the Framework and are therefore afforded less weight. In light of this, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings.
- 11.27 The Council's car parking guidance for a dwelling with four or more bedrooms in this location is three spaces per dwelling. Whilst the existing garage is to be lost, the site would still benefit from a driveway and there appears to be on-street parking available.
- 11.28 It is therefore considered that sufficient parking is provided at this site and is in accordance with Policy M14 of the Welwyn Hatfield District Plan, Policy SADM12 of the Welwyn Hatfield Draft Local Plan 2016 and the Welwyn Hatfield Supplementary Parking Guidance 2005.

4. Other considerations

- 11.29 The neighbour representations also raised some further concerns which are addressed below.

Access rights/ Party Wall:

- 11.30 This is a civil matter between land owners and therefore would not restrict the grant of planning permission in the event of a recommendation for approval. The planning system is only concerned with the principle of development – it determines whether development is acceptable in relation to national and local development policies. The Council's decision to grant planning permission does not invalidate or override rights that residents have as landowners. Planning permission does not confer any legal rights to the applicant for access or ownership that do not otherwise exist.

12 Conclusion

- 12.1 The proposed erection of two storey rear, part single storey and part two storey side and front extensions, incorporating a new roof structure with a raised ridge height and associated alterations is considered to be acceptable.

12.2 Subject to conditions, the proposal would have no significant adverse impact upon the character and appearance of the area or the amenity of neighbouring occupiers. The proposal has also been found acceptable in relation to impact on the highway, parking and other material considerations. Accordingly, and for the reasons given, the proposal is recommended for approval.

13 **Recommendation**

13.1 It is recommended that planning permission be approved subject to the following conditions:

1. The brickwork, roof tile, bond, mortar, windows, detailing, guttering, soffits and other external decorations of the approved extension must match the existing dwelling in relation to colour and texture.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

2. Any upper floor window located in a wall or roof slope forming a side elevation of the dwelling hereby approved must be obscure-glazed to a level equivalent to Pilkington Level 3 or above and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter. Obscure glazing does not include applied film or one-way glass.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

DRAWING NUMBERS

3. 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
22030/1		Location plan	17 May 2023
22030/2		Existing plans and elevations	17 May 2023
22030/4	E	Proposed plans and elevations	17 May 2023
22030/7	B	Street scene	17 May 2023

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o ensure that the development is carried out in accordance with the approved plans and details.

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.

INFORMATIVES

1. 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.
2. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
3. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
4. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
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.

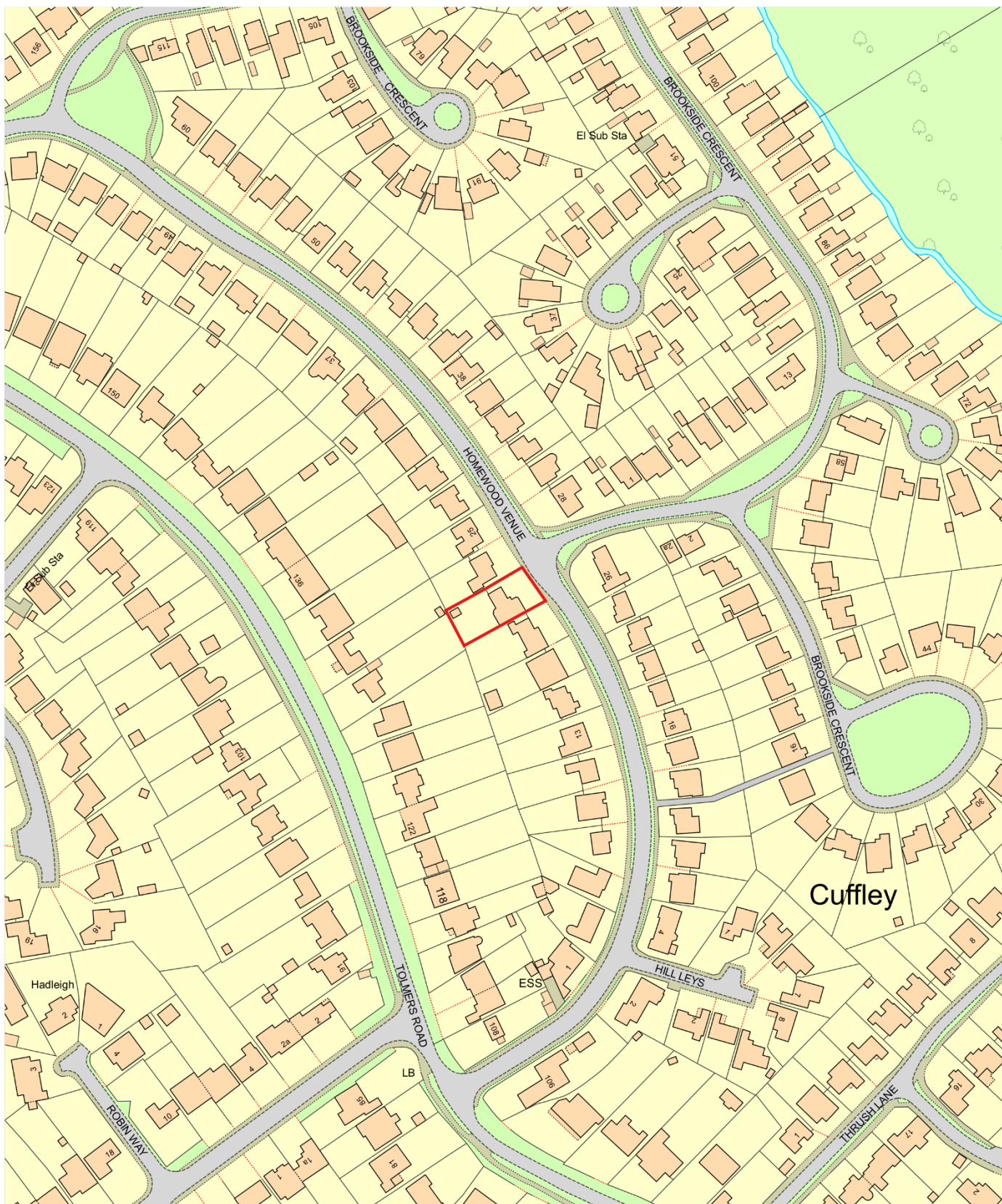
Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance 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

Ashley Ransome (Development Management)

Date: 11th August 2023



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			Date: 31-08-2023
Development Management Committee	6/2023/1042/HOUSE	Drawn: Jessica Moore	
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