

**Meeting:** Planning and Development Committee      **Agenda Item:**  
**Date:** 2 November 2021  
**Author:** Rebecca Elliott      01438 242836  
**Lead Officer:** Zayd Al-Jawad      01438 242257  
**Contact Officer:** Rebecca Elliott      01438 242836

Application No:	21/01025/ENF Related ref's 17/00734/FPH & 17/00638/CLPD
Location:	7 Boxfield Green, Stevenage
Proposal:	Development not in accordance with approved plans for 17/00734/FPH
Drawing Nos.:	N/a
Applicant:	N/a
Date Valid:	N/a
Recommendation:	SERVE AN ENFORCEMENT NOTICE



Plan for information purposes only

# 1. BACKGROUND

- 1.1 7 Boxfield Green is a detached dwelling located in the 'White Way' residential estate within Chells Manor. The property lies perpendicular to The White Way and the neighbouring property 8 Boxfield Green which fronts Boxfield Green to the east. Vehicular access is off Boxfield Green via a small private driveway to the southern side of No.8, shared with 6 Boxfield Green. The area is characterised by detached dwellings with modest sized gardens and plot sizes. The property is constructed from red brick under a brown bold roll roof tile.
- 1.2 The enforcement case was deferred at the 5<sup>th</sup> October 2021 (A copy of the October Planning Committee Report is also appended to this report) Committee. It was agreed to be deferred to allow extra time for the owners of 7 Boxfield Green to prepare a defence case for the next Committee Meeting. In addition, it was also to allow officers time to negotiate with the owner of 7 Boxfield Green to see whether the planning issues which have been raised could be resolved outside of the Committee.
- 1.3 However, if the application was to be referred back to Committee, as is the case, members requested to see a complete history of the site including copies of the plans (These will be presented at the Planning Committee in November) in order to help them to form a judgment on the enforcement case. Members also requested copies of any formal correspondence with respect to whether or not it was ever agreed that the dormer windows and extension could be constructed together. These matters are considered in more detail in the following sections of this report.

## Site history

- 1.4 The property has several historic application references. Planning application 03/00394/FP sought permission for a single storey rear extension which was approved on 02.10.2003. The extension has been built.
- 1.5 Planning application 14/00159/FP sought permission for a first floor extension to the side of the dwelling, over the existing single storey garage. This application was refused on 17.10.2014. The reason for refusal stated:
- 'The proposed first floor side extension due to its height, location on the boundary with and subsequent proximity to the rear elevation of No.8 Boxfield Green would adversely affect the outlook and amenity of the occupiers of this neighbouring property. The proposal would, therefore, be contrary to saved policies TW8 and TW9 of the Stevenage District Plan Second Review 1991-2011 and the advice in the adopted supplementary planning document 'Stevenage Design Guide' 2009.'*
- 1.6 Planning application 16/00681/FPH sought permission for a first floor rear extension and a loft conversion. This application was refused on 01.12.2016 on the following grounds:–

*1) The proposed loft conversion utilising the mansard roof feature would result in a bulky and incongruous feature that would have an adverse impact on the street scene given that the property is prominent in views from the White Way. Additionally, the proposal does not follow the guidance for roof extensions as set out in the Stevenage Design Guide 2009 and is contrary to Policy TW9 of the Stevenage District Plan Second Review 1991-2011, Policy GD1 of the emerging Stevenage Borough Local Plan 2011-2031 Publication Draft January 2016 and the advice in Chapter 7 of the National Planning Policy Framework March 2012.*

*2) The proposed mansard roof element would result in an unacceptable loss and perceived loss of privacy to no. 9 Boxfield Green to the rear due to the height of the windows in the roof, their size and number and their projection significantly further forward of the existing roof slope. This impact would be to the detriment of the residential amenity of its occupants, contrary to Policy TW8 of the Stevenage District Plan Second Review 1991-2011.*

1.7 Planning application 17/00511/FPH sought planning permission for a first floor rear extension and loft conversion. This application was refused on 15.09.2017. The application was refused for the following reasons –

*1) The proposed loft conversion utilising the mansard roof feature would result in a bulky and incongruous feature that would have an adverse impact on the street scene given that the property is prominent in views from the White Way. Additionally, the proposal does not follow the guidance for roof extensions as set out in the Stevenage Design Guide 2009 and is contrary to Policy TW9 of the Stevenage District Plan Second Review 1991-2011, Policy GD1 of the emerging Stevenage Borough Local Plan 2011-2031 Publication Draft January 2016 and the advice in Chapter 7 of the National Planning Policy Framework March 2012.*

*2) The proposed mansard roof element would result in an unacceptable loss and perceived loss of privacy to no. 9 Boxfield Green to the rear due to the height of the windows in the roof, their size and number and their projection significantly further forward of the existing roof slope. This impact would be to the detriment of the residential amenity of its occupants, contrary to Policy TW8 of the Stevenage District Plan Second Review 1991-2011.*

1.8 Lawful Development Certificate application 17/00638/CLPD sought confirmation as to whether or not the loft conversion incorporating a rear dormer window was classed as permitted development. It was determined that the proposed works were classed as permitted development and planning permission was not required. The approved Lawful Development Certificate was issued on the 27.10.2017.

1.9 Planning application 17/00734/FPH sought planning permission for a first floor rear extension and loft conversion incorporating roof lights on the southern (front) roof slope. This application was approved on 13.02.2018.

- 1.10 A non-material amendment application 19/00746/NMA sought approval to amend planning permission 17/00734/FPH to change the rear windows and add bi-fold doors. This was approved on 28.01.2020.
- 1.11 The works deemed permitted development (PD) under ref:17/00638/CLPD and those approved under ref:17/00734/FPH have both been completed at the same time and include additions such as roof lights on the side roof slopes of the new roof that do not form part of the approved plans.

## **2. DISCUSSION**

- 2.1 The works pertaining to application references 17/00734/FPH and 17/00638/CLPD have both been completed on site, with the owner advising that there was a short delay between the dormer cheeks being completed after the first floor extension was completed. The roof of the property was covered by scaffolding and tarpaulin for the entirety of the works. By implementing both the works deemed PD and those approved by full planning permission, the completed works are not in accordance with the respective approved plans.
- 2.2 The dormer window was deemed PD as it met the criteria as contained in Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) such that it does not create more than 50 cubic metres of volume (measured externally), it sits at least 20cm from the edge of the roof slope where it meets the wall, it does not sit higher than the highest part of the roof (excluding any chimneys) and that the dormer walls be finished in a material of a similar appearance to the existing house. The approved plan specifies the dormer walls to be tile hung.
- 2.3 Application ref: 17/00734/FPH for the first floor rear extension incorporates a half-hipped roof at the rear, with a dual pitch attaching to the existing dual pitch roof, perpendicular to it. These plans do show utilisation of the loft space but do not include the dormer window element. On the grounds of design and visual impact this application would not have been granted permission had it been submitted to include the dormer window.
- 2.4 Mr Barron, the owner, stated at the October planning committee that the LPA had advised that the two applications be split and submitted separately, with the certificate of lawful development being available as a fall-back position should the planning application be refused. This is the advice officer's would give on applications where an element of the proposal would be considered permitted development. Email correspondence between the officer and owner during the processing and assessment of the application ref: 17/00734/FPH are provided in the appendices of this report.
- 2.5 The previously refused applications for the first floor rear extension and loft conversion (not all submitted by the current owner) were refused on visual grounds, with designs including Mansard roof features, or large bulky roof formations. The approved scheme (ref 17/00734/FPH) was negotiated to incorporate a traditional style dual pitch roof projection, which in this case Mr Barron altered to include a bonnet hip to reduce the impact on No.8.

- 2.6 The completed works include the construction of the dormer window, completed in render of an white/off-white colour, with the first floor extension and its pitched roof extending off of the dormer. The works also include the insertion of unauthorised roof light windows, one on each side of the new side roof slopes. As a result, the completed development is considered to be bulky in both scale and form and seen as an incongruous form of development as viewed towards the rear elevation of this prominent site, which sits parallel to The Whiteway. As a consequence, the works which have been constructed at 7 Boxfield Green have a significant and detrimental impact on the character and appearance of this property as well as the visual amenities of the wider street scene.
- 2.6 Since the October committee meeting the eastern roof light facing No.8 Boxfield Green has been removed (Evidence of this has been provided to officers which will also be presented at the Planning Committee meeting). The western roof slope roof light inserted, whilst unauthorised, faces the road and is not considered to cause a loss of privacy to the properties on the opposite side of the Whiteway, especially due to the level of separation between the number 7 and the properties located across the Whiteway. Therefore, it is not deemed to be expedient to seek the removal of this window.
- 2.7 The occupiers of No.9 Boxfield Green have raised concerns over the insertion of French doors at first floor level. This was requested under a non-material amendment (NMA) application to replace the approved twin windows. The LPA is not obliged to consult on NMA applications and it was considered that the change from two windows to French doors with a Juliet balcony style screen across the bottom half would not cause any further substantive loss of privacy over that of the approved windows. At this time the screen is not in place as there has been a delay on the materials required to produce it. Once this is available this will be constructed. The owner has been asked to provide the screen with frosted glass or similar to prevent views through the whole door length.
- 2.8 Following the October committee meeting the owner has also advised they are experimenting with different render colour options to apply to the dormer cheeks to try and reduce the visual impact. It is the opinion of officers that even with a colour more closely matched to the roof tiles of the property; the dormer cheeks are visually unacceptable creating development that is out-of-keeping and incongruous in the street scene. Officers are, therefore, still recommending the dormer cheeks be removed.

### **3. RECOMMENDATION**

- 3.1 That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation and subject to an appointed solicitor by the Council being satisfied as to the evidence requiring the removal of the dormer window construction, namely the white render dormer walls and associated internal structure supporting this, and re-instating the original roof slope profile with tiles of a matching material. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.

- 3.2 That, subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice.
- 3.3 That in the event of any appeal against the Enforcement Notice, the Assistant Director of Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.

#### **4. REMEDY REQUIRED**

- 4.1 Within six months of the date of any Enforcement Notice served, the entirety of the dormer window be removed and the original roof reinstated to its original form in terms of profile and finish, and the eastern facing roof light in the first floor extension be removed and the roof slope completed in accordance with the approved plans of 17/00734/FPH or as otherwise agreed by the Local Planning Authority.

#### **5. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents associated with reference 17/00638/CLPD, 17/00734/FPH and 19/00746/NMA. In addition, a copy of the 5<sup>th</sup> October 2021 Planning Committee Report.
2. Stevenage Borough Local Plan 2011-2031 (2020)
3. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide 2009.
4. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance March 2014.

## 6. APPENDICES

**From:** GEH Construction LTD Blaise Barron  
**Sent:** 18 January 2018 12:30  
**To:** Rebecca Elliott  
**Subject:** Re: 17/00734/FPH 7 Boxfield Green

Hi Rebecca,

I did have an architect I was working for at the time of our very first planning application, a couple of years ago, look at our property.

He calculated there is no issue with loss of light which is why we went ahead with the application.

Although a passing comment was the only light lost was from the neighbours own trees.

We have not paid for an official report as we deemed it not necessary.

Pre planning on our first application also supported this view.

If you feel we should get an official report we will look into it.

Kind regards

Blaise Barron  
GEH Construction Ltd

On 18 Jan 2018, at 09:47, Rebecca Elliott < > wrote:

Hi Blaise,

I am agreeable to those changes if you are able to provide an amended plan.

I note your point about the light and appreciate your consideration to make amendments. In respect of the light tests, you state an independent party has found the same as the previous officer. Was this person instructed by you, and if so do you have a copy of their findings you are willing to provide to support your application? I am still in agreement that the 25 degree test passes, however, if you have had this independently verified it would help address the issues from the neighbour, as their objections are very strong.

Many thanks for your time.

Kind Regards  
Rebecca

**Rebecca Elliott | Planning Officer | Development Management | Stevenage Borough Council | Tel. 01438 242836**

**Please note my working hours are Monday, Tuesday and Thursday 09.00 to 16.30**

**From:** GEH Construction LTD Blaise Barron  
**Sent:** 16 January 2018 21:46  
**To:** Rebecca Elliott  
**Subject:** Re: 17/00734/FPH 7 Boxfield Green

Hi Rebecca

Thank you for your email.

We will keep the ridge down from the existing and if we adjust the gable end to a half hip - i.e. a bonnet roof, would this suffice.

We understand our neighbours concerns regarding the 'blocking of light' however this has been looked into previously and it has been found that their light would not be affected, as agreed by a representative of Stevenage Council and also an independent party.

I will supply a drawing for the amended roof design.

I hope that this is agreeable.

Kind regards

Blaise

Blaise Barron  
GEH Construction LTD

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**From:** Rebecca Elliott <[Rebecca.Elliott@stevenage.gov.uk](mailto:Rebecca.Elliott@stevenage.gov.uk)>  
**Sent:** 15 January 2018 09:54  
**To:** 'GEH Construction LTD Blaise Barron'  
**Subject:** RE: 17/00734/FPH 7 Boxfield Green

Hi Blaise,

Thank you for your response.

In principle the current scheme is more favourable. Our design guide does emphasise having a step down from the main ridge, so if you are able to reduce the height of the extension that would be most welcome. Furthermore, we have received strong objections from No.8 in respect of loss of light to their property, as I'm sure you are aware. Is there any scope to amend the design of the roof from a gable to a hip? I'm not completely sure how this will affect your internal design, but I'd be grateful if you could consider it.

I look forward to hearing from you and receiving an amended plan to cover the above as necessary.

Kind Regards  
Rebecca

Rebecca Elliott| Planning Officer|Development Management|Stevenage Borough Council|Tel. 01438 242836

Please note my working hours are Monday, Tuesday and Thursday 09.00 to 16.30

**From:** GEH Construction LTD Blaise Barron  
**Sent:** 14 January 2018 20:57  
**To:** Rebecca Elliott  
**Subject:** Re: 17/00734/FPH 7 Boxfield Green

Hi Rebecca

Happy New Year to you too, I hope it has started well for you.

The exact scale to the drawings must have been lost in scanning and maybe the upload of the documents.

The actual depth of the extension is 2 metres from the existing external wall to the proposed external wall .

Just to note;

The design is the same as what has already been used, hence the reason we change from our original roof design.

Even with the new ridge coming in line with the existing ridge, if it is necessary to drop the ridge line slightly, please do let us know.

We are happy to collaborate on all aspects on this project and are happy to discuss any further queries.

Kind regards

Blaise

Blaise Barron  
GEH Construction LTD

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**From:** Rebecca Elliott <[Rebecca.Elliott@stevenage.gov.uk](mailto:Rebecca.Elliott@stevenage.gov.uk)>  
**Sent:** 09 January 2018 14:23  
**To:** GEH Construction LTD Blaise Barron  
**Subject:** 17/00734/FPH 7 Boxfield Green

Hi Blaise,

Happy New Year.

I'm just going over the plans in detail to ascertain whether the reasons for refusal have been addressed and to assess the new design.

Can you just confirm some measurements for me in respect of the overall projection of the extension off the existing rear elevation. The plans suggest a scale of 1:50 however this would only result in a 0.9m deep extension. Is this correct? As there is no scale bar or annotated measurements anywhere it would be helpful if you could clarify.

I look forward to hearing from you.

Kind Regards  
Rebecca

**Rebecca Elliott** | Planning Officer | Development Management | Stevenage Borough Council | Tel. 01438 242836

**From:** Rebecca Elliott <[Rebecca.Elliott@stevenage.gov.uk](mailto:Rebecca.Elliott@stevenage.gov.uk)>  
**Sent:** 23 October 2017 11:46  
**To:** 'GEH Construction LTD Blaise Barron'  
**Subject:** RE: 17/00638/CLPD 7 Boxfield Green

Dear Blaise

Afraid not. The allowances for hip to gable only apply in those circumstances. Therefore a revised plan would be needed.

Sorry I couldn't see anywhere about the materials, but similar tile hung is acceptable. Re boarding or similar, it isn't considered to be of a similar appearance. There are some rare circumstances where the boarding has been coloured and textured in such a way it is similar to the existing dwelling. But this is not an interpretation we take.

Kind Regards  
Rebecca

**Rebecca Elliott** | Planning Officer | Development Management | Stevenage Borough Council | Tel. 01438 242836

**Please note my working hours are Monday, Tuesday and Thursday 09.00 to 16.30**

**From:** GEH Construction LTD Blaise Barron  
**Sent:** 23 October 2017 11:34  
**To:** Rebecca Elliott  
**Subject:** Re: 17/00638/CLPD 7 Boxfield Green

Dear Rebecca,

I can amend the drawing to show a 0.2m distance between the existing gable and the former walls. This is not a problem.

I wrongly assumed the side walls could be built the same as a hip to gable conversion.

I thought we had on the application noted that the materials used would be of the same as existing or similar. Tile hung walls.

I have noticed there are a few loft conversions and extensions that have been boarded, ship lap or feather board, would also be acceptable in our conversion.

Kind regards  
Blaise Barron  
GEH Construction Ltd

On 23 Oct 2017, at 10:53, Rebecca Elliott <[Rebecca.Elliott@stevenage.gov.uk](mailto:Rebecca.Elliott@stevenage.gov.uk)> wrote:  
Dear Blaise,

I've been assessing the information submitted for the Certificate of Lawful development for the loft conversion and rear dormer window.

Based on the limited plan detail it is difficult to fully appreciate the proposed dormer. However, I believe the proposal would not currently meet the criteria of Class B because of its width up to the outside edge of the roof, as seen in the proposed rear elevation.

Condition B2 (b) (ii) of Class B stipulates –

**Conditions**

**B.2** Development is permitted by Class B subject to the following 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 enlargement must be constructed so that—

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

Therefore, the side walls of the dormer window cannot project beyond the side walls of the main house. On an elevation plan, this would then provide a border of roof around the sides of the dormer, along with the 200mm set back from the eaves (as specified in (bb)).

Furthermore, nowhere does it state in the submission that the proposed materials would adhere with Condition B2(a).

If you could address these points, I can then consider them.

Kind Regards  
Rebecca

**Rebecca Elliott| Planning Officer|Development Management|Stevenage Borough Council|Tel. 01438 242836**

**From:** GEH Construction LTD Blaise Barron  
**Sent:** 19/09/2017 12:29  
**To:** Rebecca Elliott  
**Subject:** Re: 7 Boxfield Green Planning application

Dear Rebecca,

Thank you for your quick response.  
I will get in contact with the advisors as soon as.

Regarding the planning application, we were told we could build to the rear but not to the side in our very first application. It does seem that the roof design is the issue in the later application. The revised design from mansard to pitched roof with rear gable is as stated a design already used locally and this is why it was chosen by us. This revised design is of a lesser volume than the mansard and with no windows has eliminated any privacy issue now raised. I do understand the principle of a president. Some extensions with this design have previously been built, However since our first application extensions have been built with this same roof design and one being to the front elevation directly facing the highway others facing neighbours or highways.

If we need to tweak, reduce or change the roof design in some way we would appreciate any aid you could give.  
Your knowledge of the planning is greater than mine hence why I ask for your advice.

Once i am are able to login to my account I will upload the drawings for your consideration.

Once again if you could advise or point me in the right direction I would appreciate it

Kind Regards

Blaise Barron  
GEH Construction Ltd

On 19 Sep 2017, at 09:42, Rebecca Elliott <[Rebecca.Elliott@stevenage.gov.uk](mailto:Rebecca.Elliott@stevenage.gov.uk)> wrote:

Dear Blaise,

In respect of the log in details, I presume you mean for the planning portal website? If this is the case, we do not have any controls over this website, and you would need to contact their advisors directly for help with your account.

Secondly, in terms of the design issue you raise, I am happy to look at any further plans you have had produced, but I'm afraid it is not my place to advise you what would be given permission. The precedent of other properties having similar or exact extensions already is not a material consideration for allowing an unacceptable proposal. Furthermore, it is not just the design issue that is considered, but also the impact on neighbours, which was a reason for refusal on both applications.

Kind Regards  
Rebecca

**Rebecca Elliott| Planning Officer|Development Management|Stevenage Borough Council|Tel. 01438 242836**

**Please note my working hours are Monday, Tuesday and Thursday 09.00 to 16.30**

**From:** GEH Construction LTD Blaise Barron  
**Sent:** 18 September 2017 20:53  
**To:** Rebecca Elliott  
**Cc:** Plan Devcon  
**Subject:** 7 Boxfield Green Planning application

Dear Rebecca

We wish to upload our revised proposal for our planning permission, however when we go on line to log in we are unable to - we have tried changing our password numerous times over the past week, but as yet we have not received an email notification to advise that it has been amended.

Mr Barron has also called the planning office to try to resolve this. Please could you review our log in details in order that we are able to access our account.

Our revised application follows a design which has been used several times in properties in and around the area that we live in.

Our previous applications for the roof design have been refused although the same design has been allowed on other properties in the area.

We would appreciate any assistance / guidance from the planning office as to which design would be appropriate/acceptable.

Our revised application follows other roof extensions to detail. Therefore we would appreciate your input and advice.

I look forward to hearing from you.

Kind regards

Blaise Barron

Blaise Barron  
GEH Construction LTD