

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2007/1547/LU
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NOTATION:

The site lies within a specified settlement as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

Residential area on southern side of road. Detached bungalow with detached garage. Bungalow as built

DESCRIPTION OF PROPOSAL:

Certificate of lawfulness for conversion of loft and provision of side dormer.

S6/2007/1545/FP - Conversion of Loft, Including Dormer Window and Erection of Two Storey Rear Extension - Approved

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 proposal complies with GPDO, Part 2 Schedule 2, Class B**
- 2. Other Material Planning Considerations**

The requirements of Class B are:

- The proposal cannot exceed the highest part of the roof – ridge is in line with highest part
- The development faces towards a highway – it does not – faces towards adjoining dwelling
- would exceed 50m³ (2.1 x 2.7 x 4.3 = 24.38/2 =12.20m³. No other extensions have taken place to the dwelling. Records show that the garage was present in 1935, therefore this constitutes part of the original dwelling. This development requires completing and occupying prior to the commencement of works approved under S6/2007/1545/FP to comply with legislation.
- overall development is within the 70m³ allowable.

- not within a conservation area.

CONCLUSION:

The proposal complies with GPDO, Schedule 2, Part 1, Class B

RECOMMENDATION: APPROVAL

The proposed side dormer window comprises permitted development as defined by the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 1, Class B. The development hereby approved must be completed and occupied prior to the commencement of development approved under planning application S6/2007/1545/FP.

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DRAWING NUMBERS:

Site Location Plan1:2500 & mop.2325 & mp.25 & mp.245 & mp.246 and date stamped 22 October 2007

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

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 AND 192
(as amended by section 10 of the Planning and Compensation Act 1991)
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995
ARTICLE 24

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

To:

The Welwyn Hatfield Council hereby certify that on 22nd October 2007 the **matter** described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and **edged red** on the plan attached to this certificate would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:-

1. The proposed side dormer window comprises permitted development as defined by the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 1, Class B. The development hereby approved must be completed and occupied prior to the commencement of development approved under planning application S6/2007/1545/FP.

Signed (Council's authorised officer)

On behalf of Welwyn Hatfield Council

Date:

First Schedule: 45 Northaw Road East, Cuffley, Hertfordshire

Second Schedule: Certificate of Lawfulness for Conversion of loft, including side elevation dormer window to first floor

NOTES:

1. This certificate is issued solely for the purpose of section 192 (proposed) of the Town and Country Planning Act 1990 (as amended)
2. It certifies that the **matter** specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus **would not have been** liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the **matter** described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any **matter** which is materially different from that described or which relate to other land may render the owner or occupier liable to enforcement action.
4. **(*The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operation begun, in any of the matters relevant to determining such lawfulness.*)**