

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>N6/2009/421/LU</b>
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**NOTATION:**

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

**DESCRIPTION OF SITE:**

No. 20 Cunningham Avenue is a two-storey one bedroom attached terrace house with a hipped roof and single garage. The surrounding area is residential in character.

**DESCRIPTION OF PROPOSAL:**

The proposal is to convert the garage of the dwelling to a habitable space including the conversion of the garage door to a window. The structure contains a garage, front access door and staircase on the ground floor and bedroom, kitchen and bathroom on the first floor. An access doorway exists in the garage so that access to the first floor is gained internally. For this reason it is considered appropriate to classify the structure a dwellinghouse under the definition of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

**RELEVANT PLANNING HISTORY:**

None.

**DISCUSSION:**

**The main issues are:**

Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

Class A, of the order states that the enlargement, improvement or other alteration of a dwellinghouse is permitted development unless any of the following apply:

- a) *as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);*
- b) *the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse*
- c) *the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;*
- d) *the enlarged part of the dwellinghouse would extend beyond a wall which—*
  - (i) fronts a highway, and*
  - (ii) forms either the principal elevation or a side elevation of the original Dwellinghouse;*

- e) *the enlarged part of the dwellinghouse would have a single storey and—*
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or*
  - (ii) exceed 4 metres in height;*
- f) *the enlarged part of the dwellinghouse would have more than one storey and—*
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or*
  - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;*
- g) *the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;*
- h) *the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—*
  - (i) exceed 4 metres in height,*
  - (ii) have more than one storey, or*
  - (ii) have a width greater than half the width of the original dwellinghouse; or*
  - (i) it would consist of or include—*
    - (i) the construction or provision of a veranda, balcony or raised platform,*
    - (ii) the installation, alteration or replacement of a microwave antenna,*
    - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or*
    - (iv) an alteration to any part of the roof of the dwellinghouse.*

In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if—

- a) *it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;*
- b) *the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or*
- c) *the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.*

Development is permitted by Class A subject to the following conditions—

- a) *the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*
- b) *any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—*
  - (i) obscure-glazed, and*
  - (ii) 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*
- c) *where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.*

The proposed garage conversion does not increase the building footprint of the dwellinghouse, (rather increases the habitable floor space of the dwelling) nor will it alter the height of the highest part of the existing roof or extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse or the height of the eaves.

The proposed conversion will not extend past a wall that fronts a highway nor past the principle elevation or side elevation of the original dwellinghouse or extend beyond the rear wall of the original dwelling house, or beyond a wall on the side elevation.

The development does not consist of or include the construction or provision of a veranda, balcony or raised platform or the installation, alteration or replacement of a chimney, flue or vent pipe. The dwelling is not on article 1(5) land.

The drawings indicate that the window to be installed is of a matching finish to the white windows that exist on the existing building.

**CONCLUSION:**

The proposed garage conversion into a habitable room is considered to adhere to the terms of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

**RECOMMENDATION**

The proposed development complies with the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008. It is therefore recommended that a Certificate of Lawfulness be APPROVED for this development.

**INFORMATIVES**

None

**DRAWING NUMBERS:** 1:1250 site plan, floor plan 1:50, elevations 1:50 and photographs received and date stamped 10<sup>th</sup> March 2009.

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