

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

<b>APPLICATION No:</b>	<b>S6/2010/0270/LU</b>
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**NOTATION:**

The site lies within the greenbelt as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The application dwelling is detached bungalow, which has accommodation within the roofspace, incorporating a front and rear dormer. The original dwelling was granted planning permission in 1953 and comprised a single storey bungalow with a detached garage.

**DESCRIPTION OF PROPOSAL:**

The proposal is to demolish part of the rear of the existing garage to incorporate a single storey side extension to the original dwellinghouse with a new pitched roof measuring 2.3 metres in width and a total of 3.7 metres in height from the ridgeline of the new roof. A single storey rear extension is proposed extending beyond the rear wall of the original dwellinghouse, incorporating a pitched roof, by 4 metres and measuring a total of 3.8 metres in height from the ridgeline of the new roof.

The proposal also incorporates alterations and additions to the roof. In addition to the above, two new dormers are proposed, one either side of the dwellinghouse. The main roof of the dwellinghouse is also proposed to extend at the rear by 4.2 metres from the ridgeline to form a gable demolishing the existing rear dormer and placing a Juliette balcony on the rear elevation of the new roof.

**PLANNING HISTORY:**

S6/2009/1909/PA – Alterations to roof including side extension, ground floor side extension and replacement of existing garage.

S6/2009/0704/FP – Erection of side extension replacing garage with proposed alterations to roof, Refused 18<sup>th</sup> June 2009

S6/2008/0247/PA – Erection of detached dwelling following demolition of existing bungalow

**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 proposed works are permitted development by virtue of Schedule 2, Part 1, Class A and B 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 Permitted Development**

A. The enlargement, improvement or other alteration of a dwellinghouse.

### **Development not permitted**

**A.1** Development is not permitted by Class A if:-

(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)

*As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse would not exceed 50% of the total area of the curtilage.*

(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

*The height of the proposal would not 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

*The height of the eaves of the proposal would not 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

*The proposal is to the rear of the dwellinghouse and therefore does not form either the principal or side elevation of the original dwellinghouse fronting the highway*

- (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

*In relation to the proposed side extension, the garage is shown to be demolished (in part) on drawing no. 320/9A which means a new rear wall to the garage is to be constructed. As a consequence, the single storey side extension will not extend beyond the rear wall of the original dwellinghouse; neither will it exceed 4 metres in height.*

*The single storey rear extension does extend beyond the rear wall of the original dwellinghouse, however it does not extend by more than 4 metres or 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

*The proposal does not incorporate development that is more than one storey*

- (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

*The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse but the eaves would not 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
  - (iii) have a width greater than half the width of the original dwellinghouse

*The enlarged part of the dwellinghouse does extend beyond a wall forming a side elevation of the original dwellinghouse but would not exceed 4 metres in height, have more than one storey or have a width greater than half the width of the original dwellinghouse*

- (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

*The proposal does incorporate a 'Juliette' balcony, within the roofscape to the rear of the property, with doors to open inward and toughened glass guarding to prevent access to the flat roof. 'Juliette' balconies are generally considered permitted development provided there is no platform and therefore no external access. The proposal is considered to comply with Part A (i) (i).*

*The proposal does not include the installation, alteration or replacement of a microwave antenna, chimney, flue or soil and vent pipe.*

*The proposal does incorporate an alteration to part of the roof of the dwellinghouse. However, the alterations to the existing roof of the house will need to be considered under the requirements of Class B and if they adhere to Class B then the non compliance with Class A (i) (iv) will become void.*

**A.2** 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;

(c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse

*The dwellinghouse is not on article 1(5) land.*

**A.3** 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

*The application drawings show that the materials to be used in the exterior work of the proposal will match the materials 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 dwelling house 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;

*The application drawings do not show that the windows within the proposed dormers will be obscure glazed and non opening below 1.7 metres. However this is a condition attached and applicable to any approval and must be complied with in order to be lawful.*

(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 side and rear extensions are both single storey.*

## **Class B**

## **Permitted Development**

**B.** The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

### **Development not permitted**

**B.1** Development is not permitted by Class B if:-

(a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof

*The proposal would not exceed the height of the highest part of the existing roof*

(b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway

*The proposal does not extend beyond the plane of any existing roof slope forming the principal elevation of the dwellinghouse, fronting the highway*

(c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than:-

- (i) 40 cubic metres in the case of a terrace house, or
- (ii) 50 cubic metres in any other case

*The original dwellinghouse is a bungalow with habitable space within the roof. Calculating the resulting roof space has incorporated the new pitched roofs on the side and rear extensions as it constitutes an addition to the roof of the dwellinghouse.*

- Western elevation dormer window:  $(2.1m \times 5.8m \times 2.1m) / 2 = 12.8m^3$
- Eastern elevation dormer window:  $(5.8m \times 1.6m \times 2.1m) / 2 = 9.7m^3$
- Extension to main roof  $(4.85m \times 3.35m \times 6.9m) / 4 = 28m^3$  minus existing rear dormer:  $(2.9m \times 1.5m \times 1.4m) / 2 = 3m^3$  (which equates to the same size as the retained front dormer window) Totals:  $25m^3$
- Pitched roof of side extension:  $6.75m \times 1m \times 2.4m = 16.2m^3$
- Pitched roof of rear extension:  $3.8m \times 1m \times 8.15m = 31m^3$  (minus flat roof under Juliette balcony:  $3.9m \times 2.5m \times 1m = 9.8m^3$ ) Totals:  $21m^3$

*Total additional roof space equates to 84.7m<sup>3</sup>*

*The proposal therefore fails to comply with Class B (c) (i) by virtue of the additional roof space exceeding 50 cubic metres.*

(d) it would consist of or include:-

- (i) the construction or provision of a veranda, balcony or raised platform, or
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

*The proposal does incorporate a 'Juliette' balcony, within the roofscape to the rear of the property, with doors to open inward and toughened glass guarding to prevent access to the flat roof. 'Juliette' balconies are generally considered permitted development provided there is no platform and therefore no external access. The proposal is considered to comply with Class B (d) (i).*

*The proposal does not include the installation, alteration or replacement of a microwave antenna, chimney, flue or soil and vent pipe.*

(e) the dwellinghouse is on article 1(5) land

*The dwellinghouse is not on article 1(5) land.*

**B.2** Development is permitted by Class B subject to the following conditions:-

(a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse

*The application drawings indicate that materials to be used in any exterior work on the proposal will match that of the existing roof.*

(b) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof

*The enlargement closest to the eaves of the original roof is no less than 20 centimetres from the eaves of the original roof*

(c) any window inserted on 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

*The application drawings do not show that the windows within the proposed dormers will be obscure glazed and non opening below 1.7 metres. However this is a condition attached and applicable to any approval and must be complied with in order to be lawful.*

### **Interpretation of Class B**

**B.3** For the purposes of Class B “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this class or not.

### **CONCLUSION:**

The proposal in relation to the single storey side and rear extensions would comprise an alteration to the part of the roof of the dwelling which would be contrary to Class A (i) (iv). However, where an extension to a dwelling under Class A includes works that would require an alteration to the existing roof of the house, the alterations to the existing roof of the house will need to meet the requirements of Class B in order to be permitted development. However, the proposed development fails to comply with Class B (c) of the 2008 GDPO which requires any proposed roof space not to exceed 50 cubic metres to the roof space of the original dwelling. Although the side and rear extensions are single storey, the addition of pitched roofs above the extensions and means the volume of the pitched roofs have to be added to the overall calculations as the proposed roofs are adding to the roof space of the original dwelling.

It is therefore recommended that a Certificate of Lawfulness be **REFUSED** for this development.

**RECOMMENDATION:**

The proposed development fails to comply with 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, Schedule 2, Part 1, Class B (c) in relation to the additional roof space compared to the original dwelling exceeding the 50 cubic metres allowance.

**INFORMATIVES:** None

**DRAWING NUMBERS:**

Site Location Plan (1:2500) & 320/9A & 320/10B & 320/11A & 320/12A & 320/13 & 320/14 & 320/15A received and date stamped 16<sup>th</sup> February 2010

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