

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

<b>APPLICATION No:</b>	<b>S6/2010/0691/LU</b>
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**NOTATION:**

The site lies within Brookmans Park and the Metropolitan Greenbelt as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The site is located on the northern side of Kentish Lane and comprises a detached dwelling set behind a wall and railings with gated access.

**DESCRIPTION OF PROPOSAL:**

The proposal is to raise the height of the roof above the existing side extension comprising of the reading room and two en suite bathrooms by a further 1.14 metres to be in line with height of the roof of the original dwellinghouse.

**PLANNING HISTORY:**

S6/2007/1932/FP – Erection of single storey extension to outbuilding (retrospective) - Granted

S6/2003/1434/FP - Erection of a Single Storey Garden Store - Withdrawn

S6/1998/1112/FP - Erection of first floor side extension - Approved

S6/1979/0580 - Two storey extension and garage – 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 proposed works are permitted development by virtue of Schedule 2, Part 1, Class 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 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

*As a result of the works, the dwellinghouse 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 which forms the principal elevation of the dwellinghouse and fronts 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 dwellinghouse has been extended upon previously including an increase to the roof space of the original dwellinghouse.*

*Existing extension to roofspace: width 5.08m x depth 6.65m x height 0.95m = 32.1m<sup>3</sup>  
Proposed extension to roofspace: width 5.08m x depth 4.6m x height 1.14m = 26.5m<sup>3</sup>*

*Total additional roofspace to original dwellinghouse: 32.1m<sup>3</sup> + 26.5m<sup>3</sup> = 58.6m<sup>3</sup>*

*The proposal therefore fails to comply with Class B (c) (ii) 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 not include the construction or provision of a veranda, balcony or raised platform. Neither does it 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 forms have not clearly indicated that the development would be constructed from materials matching those of the existing dwellinghouse. However this is a condition attached and applicable to any approval and must be complied with in order to be lawful.*

(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 edge of the enlargement closest to the eaves of the original roof would not be 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

*No windows are proposed.*

### **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 proposed development incorporates an extension to the roof space of the original dwellinghouse. The proposal 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) (ii) in relation to the additional roofspace to the original dwellinghouse exceeding the 50 cubic metres allowance. It is therefore recommended that a Certificate of Lawfulness be REFUSED for this development

### **RECOMMENDATION:**

The proposed development incorporates an extension to the roof space of the original dwellinghouse. The proposal 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) (ii) in relation to the additional roofspace to the original dwellinghouse exceeding the 50 cubic metres allowance.

### **DRAWING NUMBERS:**

001 & 006 & 007 received and dated 20<sup>th</sup> April 2010

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