

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2010/2281/LU
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NOTATION:

The site lies within the Metropolitan Green Belt as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application site is located to the north west of Kentish Lane. It comprises of a large detached dwellinghouse set within an irregular shaped plot. The external walls of the dwellinghouse are painted white.

DESCRIPTION OF PROPOSAL:

The proposal is for a two storey rear extension, a loft conversion incorporating a rear dormer window, a single storey side extension and a garage conversion into habitable accommodation.

PLANNING HISTORY:

S6/2003/1687/FP – Erection of single storey side extension and demolition of existing utility room. Granted 9th February 2004

S6/2004/1104/FP – Erection of one new dwelling. Refused 10th September 2004

S6/2006/0641/FP – Replacement of existing small stable block, tack room and hay barn. Granted 11th July 2006

S6/2010/0298/FP – Formation of new crossover and driveway and erection of new boundary wall and gates. Refused 18th May 2010

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 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 does not front onto a 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

The proposal to the rear of the dwellinghouse is two storey.

(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 proposed two storey rear extension measures three metres from the rear wall of the original dwellinghouse and more than 7 metres from the boundary of the curtilage 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

The proposed side extension on the north eastern side elevation of the existing dwellinghouse measures within two metres of the boundary and the height of the eaves measures 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 proposed side extension on the north eastern side elevation extends beyond a wall forming a side elevation of the original dwellinghouse. The extension measures 3 metres in height, is single storey and has a width less than half the width of the original dwellinghouse.

The proposed side extension on the southern side elevation extends beyond a wall forming a side elevation of the original dwellinghouse. The extension measures 3.7 metres in height, is single storey and has a width less 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 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.

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 site is not located 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 have indicated that the development would be constructed from materials matching those of the existing dwellinghouse. Nevertheless, this is a condition attached and applicable to any approval and must be complied with in order to be lawful.

(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;

No windows are proposed on the first floor side elevations of the extension.

(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 pitch of the roof of the two storey rear extension matches the pitch of the original dwellinghouse.

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 is to the rear of the dwellinghouse which does not front a 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 and therefore does not form part of the original dwellinghouse.

Existing roofspace which is not original

Roof above single storey side extension (shown as the utility on drawing no C10/56/CLU 02): (l) 3.65m x (h) 0.75m x (d) 2.8m = 7.67m³

Proposed roofspace:

Rear dormer window: (l) 5.85m x (h) 1.95m x (d) 1.5m / 2 = 8.2m³

Roof above two storey rear extension: (l) 6.5m x (h) 3.5m x (d) 3.25m / 2 = 37m³

Plus: (l) 6m x (h) 1.3m x (d) 2.75m = 21.45m³

Roof above extension to existing single storey extension: (l) 1.75m x (h) 0.75m x (d) 2.8m = 3.68m³

Total additional floorspace: 7.67m³ + 8.2m³ + 37m³ + 21.45m³ + 3.68m³ = 78m³

(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

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 application site is not located 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 have indicated that the development would be constructed from materials matching those of the existing dwellinghouse. Nevertheless, 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 on the side elevations of the proposal

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 fails to comply with 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 by virtue of the additional roofspace exceeding 50 cubic metres. It is therefore recommended that the certificate of lawfulness be **REFUSED** for this development.

RECOMMENDATION: REFUSAL

The proposed development fails to comply with 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 by virtue of the additional roofspace exceeding 50 cubic metres.

DRAWING NUMBERS:

Site Location Plan (1:1250) received and dated 19th November 2010 & C10/56/CLU 05 & C10/56/CLU 06 & C10/56/CLU 07 & C10/56/CLU 08 received and dated 14th October 2010.

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