

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2010/0008/LU
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NOTATION:

The site lies within Brookmans Park and 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. A new lower pitched roof is proposed on the proposed garage conversion.

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

S6/2010/2281/LU - Certificate of Lawfulness for a proposed rear single storey and first floor extension and side single storey extension and loft conversion incorporating rear dormer and garage conversion. Refused 24th November 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 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

No part of the proposal extends beyond a wall which fronts 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

Not applicable

(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 two storey rear extension measures 3 metres in depth and measures more than 7 metres from the boundary when measured from the rear wall

(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

Not applicable

(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 single storey side extension measures 3.7 metres in height and is 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 installation, alteration or replacement of a microwave antenna, chimney, flue or soil and vent pipe. The proposal does however incorporate two 'Juliette' balconies within the rear elevation of the two storey rear extension. 'Juliette' balconies are generally considered permitted development provided there is no platform and therefore no external access. In this case, the proposal is considered to comply with class B (d) (i)-(ii)

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 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;

Not applicable

(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 pitch of the roof matches the pitch of the existing roof

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 roof of the existing dwellinghouse

(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

Proposed roofspace:

Rear Dormer window: (l) 5.8m x (h) 1.9m x (d) 1.45m / 2 = 7.9m³

Roof above two storey rear extension: (l) 11.3m x (h) 0.7m x 2.7m = 21.35m³

Roof above single storey side extension: (d) 6.8m x (h) 0.7m x (w) 2.8m = 6.6m³

Roof above proposed garage conversion: (l) 5.3m x (h) 1.15m x (d) 2.8m / 2 = 8.5m³

*Total additional roofspace = **44.35m³***

(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 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 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 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

No windows are proposed within the roofspace on the side elevation of the dwellinghouse.

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 complies with 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. It is therefore recommended that a certificate of lawfulness be **APPROVED** for this development.

RECOMMENDATION:

The proposed development complies with 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.

DRAWING NUMBERS:

Site Location Plan (1:1250) & C10/56/CLU 06A & C10/56/CLU 01 & C10/56/CLU 08 & C10/56/CLU 05A & C10/56/CLU 07A received and dated 6th January 2011

Signature of author.....

Date.....