

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

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| <b>APPLICATION No:</b> | <b>S6/2011/0299/LU</b> |
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**NOTATION:**

The site lies within Little Heath, Potters Bar as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:** The site is comprised of a large dwelling house with mixed office and residential use, the dwelling has also been previously extended, a lies within a large curtilage.

**DESCRIPTION OF PROPOSAL:** Certificate of Lawfulness for a proposed two storey front and two storey rear and single side extensions

**PLANNING HISTORY:**

S6/1986/0465/FP – Two storey extension with covered walkway. Granted 21/08/1986  
S6/2003/0340/LU – Application for certification of lawfulness for an existing use of building as offices. Granted 29/04/2003  
S6/2009/2749/FP – Erection of two storey residential extension, first floor granny annexe & B1 (office) replacement, following demolition of existing ground floor offices. Refused 10/03/2010

**SUMMARY OF DEVELOPMENT PLAN POLICIES: N/A**

**CONSULTATIONS: N/A**

**TOWN/PARISH COUNCIL COMMENTS: N/A**

**REPRESENTATIONS: N/A**

**DISCUSSION:**

The main issues are:

**Original dwelling – Elevations A-D drawing number 1059-013**

- 1. Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class A and C 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**

The enlargement, improvement or other alteration of a dwellinghouse.

**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 extensions 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 extend beyond 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

*The proposed single storey extension does not extend beyond the rear wall of the original dwellinghouse and does not 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 two storey front extension (gym/bedroom) does not extend beyond the rear wall of the original dwellinghouse by more than 3 metres. The proposal is not within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse*

*The two storey rear extension (extension to kitchen/dining room) does not extend beyond the rear wall of the original dwellinghouse by more than 3 metres. The proposal is not 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

*The proposal would not be within 2 metres of the boundary of the curtilage of the dwellinghouse with the eaves height measuring 2.5 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 extension to the sitting room forms a side elevation but does not exceed 4 metres in height, is one storey and does not 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 two storey extension adjoins the roof*

**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

*Not applicable*

**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 forms have not clearly shown 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) 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

*Not applicable*

### **Development not permitted**

### **Class C**

**Permitted Development**

**C.** Any other alteration to the roof of a dwellinghouse

**Development not permitted**

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

(a) the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof

*Not applicable*

(b) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

*Not applicable*

(c) it would consist of or include:-

- (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment

*Not applicable*

**C.2** Development is permitted by Class C subject to the condition that any window located on roof slope forming a side elevation of the dwellinghouse shall be:-

- (a) obscure-glazed; and
- (b) 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.

**CONCLUSION:**

The proposed development complies with Schedule 2, Part 1, Class A & C 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 & C 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.

**INFORMATIVES:** The proposed extensions are only permitted development if used for incidental purposes to the residential dwelling

**DRAWING NUMBERS:**

1059-010 Rev A & 1059-011 Rev A & 1059-012 & 1059-013 received and dated 21 February 2011.

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

**Date**.....