

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/1683/LUP
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NOTATION:

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

DESCRIPTION OF SITE:

The application site comprises of a large detached bungalow which has been extended upon previous to the rear. A conservatory exists to the rear of the dwelling which extends above an existing brick sub-structure. The land levels slope down towards the rear curtilage.

DESCRIPTION OF PROPOSAL:

The proposal seeks a certificate of lawfulness for a rear garden room above an existing brick sub-structure.

PLANNING HISTORY:

S6/1985/0698/ - Single storey rear extension and garage. Granted 6th January 1986

S6/1992/0307/FP - Erection of rear conservatory. Granted 23rd June 1992

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 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 eaves of the proposed garden 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

Not applicable

(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 proposal will extend above an existing sub-structure which was constructed due to the sloping land levels towards the rear of the property. The sub structure is

accessible and whilst it is not head room height, the proposal could be converted as habitable space. Therefore, the proposal should be considered as a two storey development rather than single storey.

The rear wall beyond which the proposed garden room will extend is not original as the dwelling was extended by approximately 4.9 metres under planning application, ref: S6/1985/0698. The proposed garden room in addition to the previous extension will accumulate in an extension which measures approximately 8.4 metres in depth from the rear wall of the original 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 measures less than 1 metre from the boundary with adjoining dwelling to the north, No. 29 Northaw Road East and the eaves height of the proposal would measure 4.9 metres. The proposal therefore fails to comply with part (g)

(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

Not applicable

(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

Not applicable

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 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) 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;

As the proposal is considered two storey the proposed windows forming the side elevations of the garden room. The plans have not indicated that they will be obscured glazed and non opening below 1.7m. 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

Not applicable

CONCLUSION:

The proposed development fails to comply with the Town and Country Planning (General Permitted Development) Order 1995 as amended Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Schedule 2, Part 1, Class A (f) by virtue of the two storey proposal in combination with an existing rear extension extending beyond the rear wall of the original dwellinghouse by more than 4 metres and Class A (g) by virtue of the height of the eaves of the proposal exceeding 3 metres in height within 2 metres of the boundary. It is therefore recommended that a certificate of lawfulness be **REFUSED** for this development.

RECOMMENDATION: RUFUSAL

The proposed development fails to comply with the Town and Country Planning (General Permitted Development) Order 1995 as amended Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Schedule 2, Part 1, Class A (f) by virtue of the two storey proposal in combination with an existing rear extension extending beyond the rear wall of the original dwellinghouse by more than 4 metres and Class A (g) by virtue of the height of the eaves of the proposal exceeding 3 metres in height within 2 metres of the boundary.

DRAWING NUMBERS:

C01 & C03 received and dated 12th August 2011

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