

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S62011/1755/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 detached bungalow which has an existing single flat roofed garage to the side elevation and a conservatory to the rear. The land levels slope steeply from the front of the site to the rear.

DESCRIPTION OF PROPOSAL:

The proposal is to convert the existing side garage into a utility room which will include a 1m extension to its front elevation and a 1.5m high extension to its roof along its entire length incorporating a rooflight.

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 and Schedule 2, Part 40, 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) (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 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

The proposal is single storey and whilst it is a side extension, the proposal also extends beyond the rear wall by 4.9m as illustrated on page 18 of the Communities and Local Government (CLG) 'Permitted development for householders: Technical Guidance'. The proposal also measures 3.5m 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

Not applicable

- (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 be within 2 metres of the boundary of the curtilage with the eaves height measuring 3.5m.

- (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 garage is not considered part of the original dwellinghouse as identified through historic plotting sheets.

Part of the proposal would extend beyond the side elevation of the original dwellinghouse and measures 3.5m in height, be single storey and have a width less than half the width of the existing dwellinghouse. However, part of the extension will extend beyond a wall not forming part of the original dwellinghouse (i.e. the existing rear extension) and therefore this part of the side extension in combination with existing rear extension will have a width greater than half the width of the original dwellinghouse as illustrated on page 26 of the CLG Technical Guidance referenced above.

- (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 drawings have 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;

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

Class A Permitted development

A. The installation, alteration or replacement of solar PV or solar thermal equipment on—

- (a) a dwellinghouse; or
- (b) a building situated within the curtilage of a dwellinghouse.

Development not permitted

A.1. Development is not permitted by Class A, in the case of solar PV or solar thermal equipment installed on an existing wall or roof of a dwellinghouse or a building within its curtilage if—

(a) the solar PV or solar thermal equipment would protrude more than 200 millimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

The solar PV would protrude less than 200 millimeters beyond the plane of the roof slope

(b) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

The solar PV does not exceed the height of the highest part of the roof

(c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed—

- (i) on a wall forming the principal or side elevation of the dwellinghouse and would be visible from a highway; or
- (ii) on a wall of a building within the curtilage of the dwellinghouse and would be visible from a highway; or

Not applicable

(d) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse if the dwellinghouse is a listed building.

Not applicable

A.2. Development is permitted by Class A subject to the following conditions—

(a) solar PV or solar thermal equipment installed on a building shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;

(b) solar PV or solar thermal equipment shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and

(c) solar PV or solar thermal equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

The proposed solar PV panels are located on the southern side elevation of the dwellinghouse and will be set back 6.5m from the front elevation of the roofspace and located just above the existing eaves. The proposal is therefore not considered to be within a location that would impact on the external appearance or amenity of the area

CONCLUSION:

The proposed development 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 A (c) by virtue of the height of the eaves of the proposal exceeding the height of the eaves of the existing dwellinghouse, Class A (e) by virtue of the extension extending beyond the rear wall of the existing dwellinghouse by more than 4 metres, Class A (g) by virtue of the eaves measuring more than 3m in height within 2 metres of the boundary and Class A (h) by virtue of rear part of the proposed side extension in combination with the existing rear extension measuring more than half the width of the original dwellinghouse.

The proposed development complies with Schedule 2, Part 40, 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) (England) Order 2008.

It is therefore recommended that a certificate of lawfulness be **REFUSED** for this development.

RECOMMENDATION:

The proposed development 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 A (c) by virtue of the height of the eaves of the proposal exceeding the height of the eaves of the existing dwellinghouse, Class A (e) by virtue of the extension extending beyond the rear wall of the original dwellinghouse by more than 4 metres, Class A (g) by virtue of the eaves measuring more than 3m in height within 2 metres of the boundary and Class A (h) by virtue of

rear part of the proposed side extension in combination with the existing rear extension measuring more than half the width of the original dwellinghouse.

DRAWING NUMBERS:

G01 & G03 rev A received and dated 12th August 2011

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