

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/2257/LUE
APPLICATION Site:	73 Tiger Moth Way, Hatfield

NOTATION:

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

DESCRIPTION OF SITE:

The application site comprises of a mid terraced flat with a garage on the ground floor and habitable accommodation on the first floor located towards the end of Tiger Moth Way.

DESCRIPTION OF PROPOSAL:

The application seeks a certificate of lawfulness for an existing garage conversion into habitable accommodation. The garage door has been replaced with a window.

PLANNING HISTORY:

None

DISCUSSION:

The Town and Country Planning (General Permitted Development) Order 1995 states that a, “dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building’. The applications forms state that the building subject to the lawful development certificate is a flat over garages. As the building is not defined as a dwellinghouse a certificate of lawfulness should be REFUSED for this development as permitted development rights do not exist for flats or maisonettes.

CONCLUSION:

The existing garage conversion 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) (England) Order 2008 by virtue of the property being a flat and not a dwellinghouse and therefore

permitted development rights do not exist for this property. It is therefore recommended that certificate of lawfulness be **REFUSED** for this development.

RECOMMENDATION

The existing garage conversion 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) (England) Order 2008 by virtue of the property being a flat and not a dwellinghouse and therefore permitted development rights do not exist for this property.

INFORMATIVES

None

REFUSED DRAWING NUMBERS: Site Location Plan (1:1250) & Block Plan & Front elevation 1:50 Scale & Floor Plan & Front Elevation 1:100 Scale received and dated 25th October 2011

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