

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2012/0338/LUP
APPLICATION Site:	45 Kentish Lane, Brookmans Park

NOTATION:

The site lies within 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.

The red outline of the site is drawn around the parcel of land accommodating the dwelling and the land to the rear which currently houses a stable block. The applicants also own the parcel of land to the south west of the dwelling (outlined in blue) which has its own vehicular access off Kentish Lane.

DESCRIPTION OF PROPOSAL:

The proposal seeks a certificate of lawfulness for the erection of a two storey rear extension measuring 3m in depth, a single storey rear extension beyond the existing garage measuring 0.2m in depth with a pitched roof above measuring a maximum 3.8m in height, a single storey side extension measuring 7.9m in width, 3.7m in height, 9.9m in depth, a loft conversion incorporating a rear dormer window, a hip to gable enlargement and front and rear rooflights. A basement is also proposed to be used as a bar/den. As part of the basement development, a staircase is proposed outside which will extend from ground level down to the basement including a glass guarding measuring approximately 1.2m in height.

The dwellinghouse will change from a three bed to a five bedroom dwellinghouse.

The existing garage to the rear of the dwelling is to be converted into an outbuilding comprising of a pool bar, plant room and changing room.

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

S6/2011/0008/LU - Certificate of Lawfulness for a proposed two storey rear and single storey side extension and loft conversion incorporating rear dormer and garage conversion. Granted 17th January 2011

S6/2011/1567/LUP - Certificate of lawfulness for the erection of two storey rear extension, single storey side and rear extension, loft conversion, garage conversion, swimming pool and garage. Refused 3rd November 2011

S6/2011/1999/LUP - Certificate of lawfulness for the erection of the erection of two storey rear extension, single storey side and rear extension, loft conversion, garage conversion, basement, swimming pool and new garage. Refused 3rd November 2011

SUMMARY OF 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, B, C and E 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**

2. **Whether the proposed works are permitted development by virtue of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995**
1. **Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class A, B, C and E 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:-

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 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

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 proposed single storey rear extension beyond the existing garage measures no more than 4m in depth and 4m 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

As part of the proposals, many of the internal walls are to be removed. However, for the purposes of this assessment, the proposed rear extension which would extend beyond the rear walls of the existing kitchen, WC, hallway and living room on the ground floor and bedroom 3, WC, bathroom and ensuite on first floor as shown on drawing 11015/9A would measure 3m in depth.

The proposed two storey rear extension measures more than 7 metres of any boundary of the curtilage.

The proposal also seeks to create a basement. The creation of basement falls under the consideration of Class A as it is an enlargement of a dwellinghouse. In this case, the basement in combination with the two storey rear extension above ground level would accumulate in an extension which is more than one storey. However, the basement in addition to the two storey rear extension would not extend more than 3m from the rear wall or be within 7m from any boundary opposite 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

The extension on the north eastern elevation measures within 2 metres of the boundary. However, the height of the eaves does not exceed 3 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 proposed single storey side extension on the south western side elevation measures no more than 4m in height is single 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 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 microwave antenna, chimney, flue or soil and vent pipe.

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

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;

The application drawings have not shown the windows proposed on the upper floor side elevation to be obscured glazed and non opening below 1.7 metres. 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

The roof pitch of the proposal will match the roof pitch of the existing dwellinghouse.

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

As a result of the works, the dwellinghouse would not exceed the height of the highest part of the existing roof

(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

No part of the proposal will extend beyond the existing roof slope forming the principal elevation

(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

The applicant has not submitted roof volume calculations.

Rear dormer window: (w) 7m x (h) 2.9m x (d) 2.5m / 2 = 25m³

Hip to gable enlargement: (w) 3.7m x (h) 4.5m x 7.14m / 6 = 19.8m³

Total additional roofspace: 44.8m³

The proposal therefore complies with Class B (c) by virtue of the additional volume of the roofspace not exceeding 50m³ upon the roofspace of the original dwelling

(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 microwave antenna, chimney, flue or soil and vent pipe.

(e) the dwellinghouse is on article 1(5) land

Not applicable

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 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) 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

Not applicable

(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

The application drawings have not shown the windows proposed on the upper floor side elevation to be obscured glazed and non opening below 1.7 metres. However this is a condition attached and applicable to any approval and must be complied with in order to be lawful.

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.

Class C

Permitted Development

C. Any other alteration to the roof of a dwellinghouse

Class C relates to the rooflights proposed on the front, rear and north eastern side elevation of 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

The proposal would not protrude more than 150 millimetres beyond the plane of the original roofslope

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

The proposal would exceed the height of the highest part of the original roof

(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

The alteration to the roof does not consist of the above

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.

The application drawings have not shown the windows proposed on the upper floor side elevation to be obscured glazed and non opening below 1.7 metres. However this is a condition attached and applicable to any approval and must be complied with in order to be lawful.

Class E

Permitted Development

E. The provision within the curtilage of the dwellinghouse of:-

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas

Class E relates to the conversion of the existing garage to a pool bar/plant room/changing room

Development not permitted

E.1 Development is not permitted by Class E if:-

- (a) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposal would not exceed 50% of the total area of the curtilage.

(b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

The proposal would be to the rear elevation of the dwellinghouse

(c) the building would have more than one storey

The outbuilding is not more than one storey

(d) the height of the building, enclosure or container would exceed:-

- (i) 4 metres in the case of a building with a dual-pitched roof,
- (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
- (iii) 3 metres in any other case;

The proposed pool bar/changing facilities is a conversion of an existing outbuilding with no changes proposed to the height.

(e) the height of the eaves of the building would exceed 2.5 metres;

The height of the eaves of the proposed double garage does not exceed 2.5m

(f) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

Not applicable

(g) it would include the construction or provision of a veranda, balcony or raised platform;

Not applicable

(h) it relates to a dwelling or a microwave antenna; or

Not applicable

(i) the capacity of the container would exceed 3,500 litres.

Not applicable

E.2 In the case of any land within the curtilage of the dwellinghouse which is within:-

- (a) a World Heritage Site,
- (b) a National Park,
- (c) an area of outstanding natural beauty, or
- (d) the Broads

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

Not applicable

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Not applicable

Interpretation of Class E

E.4 For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

2. Whether the proposed works are permitted development by virtue of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995

Class A

Permitted Development

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure

Class A relates to the proposed glass guarding above the steps from ground level down to the basement

Development not permitted

A.1 Development is not permitted by Class A if:-

(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, would exceed one metre above ground level;

Not applicable as the proposal is to the rear of the dwelling.

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed two metres above ground level;

The proposal measures 1.2m in height.

(c) the height of any gate, fence, wall or means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater ; or

Not applicable

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding a listed building

Not applicable

CONCLUSION:

The proposed development complies with Schedule 2, Part 1, Class A, B, C and E 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 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995. It is therefore recommended that a certificate of lawfulness be APPROVED for this development.

RECOMMENDATION: APPROVAL WITH CONDITIONS

The proposed development complies with Schedule 2, Part 1, Class A, B, C and E 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 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995.

APPROVED DRAWING NUMBERS:

11015/1A received and dated 19th April 2012 & 11015/17 & 11015/15 & 11015/9A & 11015/16 & 10015/3A & 11015/8A received and dated 24 February 2012

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