

**WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>S6/2012/1823/LUP</b>
<b>APPLICATION Site:</b>	<b>33 Kentish Lane, Brookmans Park</b>

**NOTATION:**

The site lies within the Metropolitan Green Belt as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The application site comprises of a detached dwellinghouse set within a spacious plot set back from the highway. A flat roofed garage is attached to the north east side elevation of the dwelling.

**DESCRIPTION OF PROPOSAL:**

The application seeks a certificate of lawfulness for a proposed two storey rear extension, extension of existing garage and conversion to habitable accommodation, loft conversion to include one rear dormer window, replacement canopy porch, enlargement to existing chimneys and new bin store.

**PLANNING HISTORY:**

S6/2012/0479/FP - Erection of new dwelling following demolition of existing. Refused 10 May 2012

**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, D and G 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 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 would extend no more than 4m in depth or exceed 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

*The proposed two storey rear extension measures no more than 3m in depth and would not be within 7m of the boundary from 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 proposed single storey side extension would be within 2m of the boundary however the eaves height would not exceed 3m*

- (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 extension to the existing garage would extend beyond the side elevation of the original dwellinghouse and a bin store is proposed on the south western elevation however both would not exceed 4m, would not have more than one storey and would 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, flue or soil and vent pipe.*

*The proposal does incorporate an alteration to the existing chimneys and therefore will need to be considered under the requirements of Class G.*

*The proposal incorporates an alteration to part of the roof of the dwellinghouse. However, the alterations to the existing roof of the dwelling 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 drawings 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;

*A first floor window is proposed on either side elevation which are both shown to be obscure glazed and non opening below 1.7m.*

- (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 proposal has more than one storey and the pitch of the roof will match that of the existing roof of the 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 works will extend beyond the principal elevation of the existing roofspace*

(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

*Proposed rear dormer windows: (w) 2.1m x (h) 1.2m x (d) 1.4m /2 = 1.8m<sup>3</sup>*

*Proposed roofspace above two storey rear extension = 47.1m<sup>3</sup>*

*Total additional roofspace: **48.9m<sup>3</sup>**.*

*The proposal therefore fails to comply with part (c) (ii)*

(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 flue or soil and vent pipe.*

*The proposal does incorporate an alteration to the existing chimneys and therefore will need to be considered under the requirements of Class G.*

(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 drawings 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

*The edge of the enlargement closest to the eaves of the original roof would not be less than 20 centimetres from the eaves of the original roof*

(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

*A first floor window is proposed on either side elevation which are both shown to be obscure glazed and non opening below 1.7m.*

## **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 D**

### **Permitted Development**

**D.** The erection or construction of a porch outside any external door of a dwellinghouse

### **Development not permitted**

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

- (a) the ground area (measured externally) of the structure would exceed 3 square metres;

*The ground area does not exceed 3sqm*

- (b) any part of the structure would be more than 3 metres above ground level; or

*The canopy porch does not exceed 3m above ground level*

- (c) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway

*The structure would be more than 2m from any boundary or the curtilage with the highway*

## **Class G**

### **Permitted Development**

**G.** The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse

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

(a) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or

*The height of the chimneys will not exceed the highest part of the roof by more than 1 metre*

(b) in the case of a dwellinghouse on article 1(5) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which :-

(i) fronts a highway, and

(ii) forms either the principal elevation or side elevation of the dwellinghouse

*Not applicable*

**CONCLUSION:**

The proposed development complies with Schedule 2, Part 1, Class A, B, D and G 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: APPROVAL**

The proposed development complies with Schedule 2, Part 1, Class A, B, D and G 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.

**APPROVED DRAWING NUMBERS:**

1111 98 002 & 1111 10 001 A & 1111 10 100 A & 1111 10 101 A & 1111 10 102 A & 1111 10 103 A & 1111 10 200 & 1111 10 201 A & 1111 10 202 A 1111 10 203 A & 1111 10 300 A & 1111 SK 001 DY 121107 received and dated 12 November 2012

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