

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2012/2580/LUP
APPLICATION Site:	Wing 2 Warren Wood, Kentish Lane

NOTATION:

The site lies within the Metropolitan Green Belt, the West End - Brickendon Wooded Slopes Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application dwelling is a two-storey house within a terrace of properties. The application dwelling and neighbouring properties are sited within a spacious private setting with an open access to the front. To the front of the properties there are amenity spaces to the dwellings which are partly enclosed.

The application dwelling has an existing small detached wooden garage and a glasshouse to the front of the property, which area accessed off the main vehicular access and an amenity space which is enclosed by a tall hedge. The land level slopes downward from Kentish Lane to the properties.

DESCRIPTION OF PROPOSAL:

The proposed development would involve the reuse of an existing basement area and the creation of an excavated lightwell and exit to the rear of the property. The proposal would create an opening to the rear of a lounge and bedroom, which would approximately measure 8m in width by 1.8m in depth from the rear wall of the dwelling and would be approximately 2.4m below ground level.

PLANNING HISTORY:

S6/2011/1577/FP – Erection of 1.5 storey garage/ car port with accommodation within the roof space – Refused 14 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 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**

The proposed development would retain the main entrance to the dwellinghouse and the plans do not indicate any subdivision of the dwelling. A letter has been submitted by the agent, which stipulates that the property would remain a single dwellinghouse and the proposed facilities within the basement would be used by members of the same family that occupy the main dwelling. Therefore, the proposal can be considered under Class A which permits the enlargement, improvement or alteration to dwellinghouses, but not the creation of a separate new independent dwellinghouse.

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 proposed development would involve an excavation and would not have an eaves height or be built above ground floor level.

(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 rear alteration comprises an excavation rather than an extension and the development would not exceed 4m in depth or 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 not exceed 3m in height.

- (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 proposal would extend beyond the side elevation of the 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.

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;

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.

CONCLUSION:

The proposed development complies with 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. 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 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:

Site Location Plan 1:500 & 397212/2 REV. A & 397212/3 received and dated 10
December 2012

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