

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

<b>APPLICATION No:</b>	<b>S6/2012/0350/LUP</b>
<b>APPLICATION Site:</b>	<b>1 The Cottages, Shepherds Way</b>

**NOTATION:**

The site lies wholly within the Metropolitan Green Belt and landscape area 53 as defined in the Welwyn Hatfield District Plan Proposals Map.

**DESCRIPTION OF SITE:**

The application site is located on the southern side of Shepherds Way, some 90m east of the junction with Great North Road (A1000) and comprises a semi-detached two storey dwelling with a rear garden and a gravel parking area to the front. The character of the surrounding area is rural and features fields, areas of woodland and a large pond. The site is irregular in shape measuring approximately 60m in length along the site frontage with Shepherds Way, 5m in depth to the west boundary and 16m in depth to the east boundary. The application dwelling is orientated so that the front elevation faces west and the flank elevation faces Shepherds Way. At its closest point, approximately 4m separation distances exists between the application dwelling and the site frontage to Shepherds Way. The boundary to the side and rear is defined by a close boarded fence approximately 1.8m in height. The application dwelling is believed to date from the late 19<sup>th</sup> Century and features a gable roof, a single storey extension to the rear and a porch extension to the front. Externally the application dwelling is finished in yellow stock brick, a plain tiled roof with timber soffits and fascia boards, replacement windows and doors.

**DESCRIPTION OF PROPOSAL:**

The application seeks a certificate of lawfulness for the erection of a first floor rear extension.

**PLANNING HISTORY:**

S6/2011/2817/FP – Erection of two storey side extension, alterations to windows and doors on rear elevation and insertion of rooflight windows (Refused 29/02/2012 and dismissed at appeal 14/05/2012)

S6/2011/0833/FP – Erection of part two storey, part single storey side extension (Refused 04/07/2011)

S6/2001/0121/FP – Two storey side extension (Granted 22/01/2001)

S6/1993/0796/FP – Single storey rear extensions (Granted 08/12/1983)

S6/1991/0639/FP – Single storey side extension (Granted 22/11/1991)

**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 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 original 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

*Not applicable.*

- (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 first floor extension extends no more than 3 metres in depth from the rear wall of the original dwellinghouse and is more than 7 metres from the boundary opposite the rear wall of the dwellinghouse.*

- (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 is more than 2m from the boundary of the curtilage.*

- (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

*Not applicable.*

- (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 CLG Guidance entitled, 'Permitted Development for Householders Technical Guidance (August 2010)' states on page 7, 'where a proposed two storey extension at the rear of a house has a roof that joins onto the main roof of the original house, the works will need to meet the requirements of both Class A (which covers the enlargement of the house) and Class C (which covers any alterations to the roof) in order to be permitted development'.*

**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;

*No windows are proposed on the first floor side elevation.*

(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 proposed pitch of the first floor rear extension will match the pitch of the original dwelling.*

## Class C

### Permitted Development

C. Any other alteration to the roof of a 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 ridge of the extension would be perpendicular to that of the roof to the original house. The point at which the extension roof would join or attach to the existing roof of the dwelling would be alteration to the roof. The actual proposed roof structure would be permitted under Class A up until the point at which it attached to the existing roof of the dwelling, and it would not therefore amount to a protrusion for the purposes of Class C.*

(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 not 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

*Not applicable*

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.

*Not applicable*

### **CONCLUSION:**

The proposed development complies with Schedule 2, Part 1, Class A and C 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:**

The proposed development complies with Schedule 2, Part 1, Class A and C 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:**

1:500 Block Plan & Proposed Roof Plan & 5896-01 Rev A & received and dated 7 March 2013

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