

GPDO
Class A

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

APPLICATION No: S6/2014/0442/LUP

SITE ADDRESS: 2 Coopers Lane, Northaw, Potters Bar

DESCRIPTION OF DEVELOPMENT: Certificate of lawfulness for the proposed conversion of garage to habitable accommodation

RECOMMENDATION: Certificate of lawfulness approved

DESCRIPTION OF PROPOSAL:

The application seeks a Certificate of Lawfulness for a proposed conversion of the attached garage to habitable accommodation.

PLANNING HISTORY:

S6/2007/0546/FP – Two storey rear extension, creation of light well on first floor, creation of double doors to existing conservatory and internal alterations – Approved 29/05/2013

S6/2006/1564/FP – Two storey rear extension and demolition of existing garage – Refused 15/01/2013. Reasons for refusal:

1. *The proposal would, when considered in relation to the original dwelling, result in a disproportionate increase in the size of the dwelling by reason of its size, bulk and prominence and would have an adverse visual impact on the openness and rural character of the Green Belt contrary to Policy 5 of the Hertfordshire Structure Plan Review 1991-2011 and Policy RA3 of the adopted Welwyn Hatfield District Plan 2005. No very special circumstances have been demonstrated to warrant an exception to these policies.*

2 *The scale & mass of the proposed extension, taken together with previous extensions is over dominant in relation to the architectural character and setting of the Listed Building, which comprises a simple & traditional building design. It would thereby be contrary to Policy R25 of the Welwyn Hatfield District Plan 2005.*

S6/2001/0909/FP – Part two storey, part single storey extension – Approved 28/09/2001

ANALYSIS:

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**

	Yes /	To
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	No	be PD
Have permitted development rights been removed	N	N
Is the property a dwellinghouse	Y	Y
Is it detached?	Y	
Is it semi-detached or terraced?	N	
Is it within a conservation area	N	
Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class IA or MB of Part 3 (refer SI 2014 564)	N	N
Development not permitted by Class A		
(a) would 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) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)	N	N
(b) would the height of the part of the dwellinghouse enlarged, improved or altered exceed the height of the highest part of the roof of the existing dwellinghouse	N	N
(c) would the height of the eaves of the part of the dwellinghouse enlarged, improved or altered exceed the height of the eaves of the existing dwellinghouse	N	N
(d) would the enlarged part of the dwellinghouse extend beyond a wall which:- (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse	N	N
(e) would the enlarged part of the dwellinghouse 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	N	N
(f) would the enlarged part of the dwellinghouse 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	N	N
(g) would the enlarged part of the dwellinghouse 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	N	N
(h) would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and:- (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	N	N
(i) it would consist of or include:- (i) the construction or provision of a veranda, balcony or raised platform,	N	N

(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		
A.2 In the case of a dwellinghouse on article 1(5) land, development is not permitted 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;	N	N
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;	N	N
(c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse	N	N
A.3 Development is permitted by Class A subject to the following conditions:- (a) would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse	Y	Y
(b) would any upper-floor window located in a wall or roof slope forming a side elevation of the dwelling house 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;	Y	Y
(c) would, where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part, so far as practicable, be the same as the roof pitch of the original dwellinghouse	Y	Y

RECOMMENDATION:

The proposal **complies** with Schedule 2, Part 1, Class A of The Town and Country (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, subject to the following conditions and informatives:

Conditions

1. 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.
2. Any upper-floor window located in 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.
3. 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.
4. C.13.2 – In accordance with approved plans and drawings PL_399-1 received and dated 10 March 2014.

Informatives

1. 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) shall not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).
2. The height of the part of the dwellinghouse enlarged, improved or altered shall not exceed the height of the highest part of the roof of the existing dwellinghouse.
3. The height of the eaves of the part of the dwellinghouse enlarged, improved or altered shall not exceed the height of the eaves of the existing dwellinghouse.
4. The enlarged part of the dwellinghouse shall not extend beyond a wall which (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse.
5. The enlarged part of the dwellinghouse shall 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;
6. The enlarged part of the dwellinghouse shall not 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.
7. Where the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, the height of the eaves of the enlarged part shall not exceed 3 metres.
8. The enlarged part of the dwellinghouse shall not extend beyond a wall forming a side elevation of the original dwellinghouse, **and** (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,
9. The development shall not 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 comprise (iv) an alteration to any part of the roof of the dwellinghouse.
10. In the case of a dwellinghouse on conservation area (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; or (c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.
11. Given that this dwelling was an original building ancillary to the use of the Grade II* listed Northaw Place at the time of the listing, it is curtilage listed, and therefore listed building consent would be required prior to the commencement of this development.

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