

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No: S6/2014/1134/LUP

SITE ADDRESS: 35 Tiger Moth Way, Hatfield

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

RECOMMENDATION: CERTIFICATE REFUSED

DESCRIPTION OF SITE AND PROPOSAL:

The application site comprises of a two storey building, with a garage on the ground floor and habitable accommodation on the first floor, located towards the end of Tiger Moth Way.

The application seeks a certificate of lawfulness for a proposed garage conversion to habitable accommodation. The works to the garage would involve exterior alterations including the replacement of the garage door with a window.

SITE DESIGNATION:

The site lies within the Hatfield Aerodrome as designated in the Welwyn Hatfield District Plan 2005.

PLANNING HISTORY:

None relevant

DISCUSSION:

The Town and Country Planning (General Permitted Development) Order 1995 states that a, “dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building’. The applications forms state that the building subject to the lawful development certificate is a flat over garages. As the building is not defined as a dwellinghouse a certificate of lawfulness should be **REFUSED** for this development as permitted development rights do not exist for flats or maisonettes.

CONCLUSION:

The existing garage conversion fails to comply with the Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 by virtue of the property being a flat and not a dwellinghouse and therefore permitted development rights do not exist for this property. It is therefore recommended that certificate of lawfulness be **REFUSED** for this development.

RECOMMENDATION

The existing garage conversion fails to comply with the Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 by virtue of the property being a flat and not a dwellinghouse and therefore permitted development rights do not exist for this property.

INFORMATIVES

None

REFUSED DRAWING NUMBERS: Site Location Plan (scale of 1:500) & Front Elevation & Floor Plan

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