

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

**APPLICATION No:** S6/2014/1782/LUP

**SITE ADDRESS:** NETHERFIELD, VINEYARDS ROAD, NORTHAW

**DESCRIPTION OF DEVELOPMENT:** CERTIFICATE OF LAWFULNESS FOR  
CONVERSION OF SINGLE STOREY GARAGE TO RESIDENTIAL UNIT

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**RECOMMENDATION:** CERTIFICATE APPROVED

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**1. APPLICATION DESCRIPTION:**

The proposal is for a Certificate of Lawfulness for the conversion of single storey garage to a residential unit.

**2. RELEVANT PLANNING HISTORY:**

None

**3. ANALYSIS:**

The main issues are:

**1. Whether the proposed works constitutes development**

The proposal is for the conversion of an existing outbuilding currently used as a garage to an residential unit.

The proposed internal alterations do not constitute development within the meaning of Section 55 of the Town and Country Planning Act 1990:

*(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—*

*(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—*

*(i) affect only the interior of the building, or*

*(ii) do not materially affect the external appearance of the building,*

Whilst the proposed internal layout shows a living room, bedroom and bathroom, there is no evidence that the outbuilding would be used for purposes other than those incidental to the enjoyment of the dwellinghouse.

A letter has been submitted to confirm that the accommodation will be only used as an extra bedroom for family and friends visiting the dwelling.

Therefore, this application has been determined on the basis that the proposed annexe shall be occupied by a member of the same household for a purpose incidental to the enjoyment of the main dwellinghouse. As such, the change of use

of the existing building from a garage, workshop and changing rooms to an annexe does not constitute development within the meaning of Section 55 of the Town and Country Planning Act 1990:

*(d) The use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;*

The proposal also includes limited alterations to the external appearance of the building comprising:

- Replacement of the existing garage door with a door within the front elevation
- Insertion of a new window and door within the side elevation
- Insertion of a new window within the side elevation
- Insertion of a French doors within the rear elevation

The proposed alterations are considered to fall within the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (the "GPDO") which grants planning permission for (among other things): *"the provision within the curtilage of a dwellinghouse of any building or the maintenance, improvement or other alteration of such a building... required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration*

#### **4. CONCLUSION:**

The proposal does not represent a material change of use of the building from a domestic outbuilding and the internal alterations do not constitute development within the meaning of Section 55 of the Town and Country Planning Act 1990.

The proposed alterations to the external appearance of the building comply with Schedule 2, Part 1, Class E of The Town and Country (General Permitted Development) Order 1995 (as amended) and is therefore permitted development, subject to the following conditions and informatives:

#### **Conditions:**

1. C.13.3 – in accordance with plans and informatives  
1:1250 site location plan & P02 & S02 & P01 & P03 & S03 received 13 August 2014.

#### **Informative:**

This application has been determined on the basis that the proposed garage/annexe shall used for purposes incidental to the enjoyment of the main dwellinghouse. For avoidance of doubt, use of the building as a separate dwellinghouse would not be permitted by this certificate and would represent a breach of planning control unless a separate planning permission has been granted.

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