

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

APPLICATION No: S6/2014/1889/LUP

SITE ADDRESS: 1 Thistle Drive, Hatfield

DESCRIPTION OF DEVELOPMENT: Certificate of lawfulness for proposed single storey side extension and conversion of garage to habitable accommodation

RECOMMENDATION: REFUSAL

DESCRIPTION OF PROPOSAL:

The application seeks a certificate of lawfulness for a single storey side extension to the rear of the existing side garage, and the conversion of the garage to habitable accommodation encompassing the replacement of the existing garage door with a window, and infilling the surround with brick matching the existing property.

RELEVANT PLANNING HISTORY:

S6/2001/1338/FP - Residential development comprising of 200 dwellings, new road, cycle ways, footpaths, landscaping and public open space. (revisions to planning permissions S6/1999/0884/FP and S6/2001/0577/FP) – Approved 28/03/2002

DISCUSSION:

Class A

- 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 / No	To be PD
Have permitted development rights been removed	Y	N
Is the property a dwellinghouse	Y	Y
Is it detached?	N	
Is it semi-detached or terraced?	Y	
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	N	N

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		
(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	N	N
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/A	N
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;	N/A	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/A	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	N/A	Y

which the window is installed;		
(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	N/A	Y

The application site does not benefit from permitted development rights under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The existing dwelling house was permitted under application reference. S6/2001/1338/FP. Condition 15 of that permission states;

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no development falling within Classes A, B, D or F of Part 1 or Classes A or B of Part 2 to Schedule 2 to that Order shall be carried out without the prior written permission of the Local Planning Authority, granted on application.”

REASON: To enable the Local Planning Authority to exercise control over extensions to the dwellings and means of enclosure in the interests of visual and residential amenity, and over new accesses in the interests of visual amenity and highway safety.”

Furthermore, condition 13 of S6/2001/1338/FP states;

“Prior to the occupation of any dwelling on the site the garaging or car-parking spaces to serve that dwelling shall be laid out in accordance with the details shown on the approved layout drawing and shall be kept available for that purpose thereafter.”

REASON: To ensure adequate off-street parking, in the interests of highway safety.”

Therefore, notwithstanding the above removal of permitted development rights, even if no physical changes take place to the garage, it still does not benefit from a residential use. Accordingly, a full planning application to vary condition 13 of permission S6/2001/1338/FP would be required to seek the conversion of the garage to residential use.

RECOMMENDATION: REFUSAL

Whilst the proposed development complies with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the application is refused because the application property does not benefit from permitted development rights falling under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

REFUSED DRAWING NUMBERS:

SK.01.08.14 PD & SK.02.08.14 PD & SK.03.08.14 PD & SK.04.08.14 PD received and dated 10 September 2014.

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