

GPDO

Class A

**WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT**

**DELEGATED REPORT**

**APPLICATION No:** S6/2015/0937/LUP

**SITE ADDRESS:** 12 Campion Road Hatfield AL10 9FB

**DESCRIPTION OF DEVELOPMENT:** Certificate of lawfulness for change of use of existing garage to habitable accommodation

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**RECOMMENDATION:**     **Certificate of lawfulness refused**

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**PLANNING HISTORY:**

S6/1999/1115/OP - Residential development (outline) including access to public highway A(S) 30/04/2002

S6/2002/0967/FP - Erection of 46 dwellings. (amendments to planning approval ref. S6/1999/971/FP) A(G) 30/09/2002

**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 2015**

	<b>Yes / No</b>	<b>To be PD</b>
Have permitted development rights been removed	<b>N</b>	N
Is the property a dwellinghouse	<b>Y</b>	Y
Is it detached?	<b>Y</b>	
Is it semi-detached or terraced?	<b>N</b>	
Is it within a conservation area	<b>N</b>	
(a) Has permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule	<b>N</b>	N

(changes of use)		
<b>Development not permitted by Class A</b>		
(b) 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)	<b>N</b>	N
(c) 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	<b>N</b>	N
(d) 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	<b>N</b>	N
(e) would the enlarged part of the dwellinghouse extend beyond a wall which:-  (i) forms the principal elevation of the original dwellinghouse; or  (ii) fronts a highway and forms a side elevation of the original dwellinghouse	<b>N</b>	N
(f) would, subject to paragraph (g), 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	<b>N</b>	N
(h) 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	<b>N</b>	N
(i) 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	<b>N</b>	N
(j) would the enlarged part of the dwellinghouse extend beyond a wall	<b>N</b>	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	<b>N</b>	<b>N</b>
<b>A.2</b> In the case of a dwellinghouse on article 2(3) 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;	<b>N/A</b>	<b>N</b>
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;	<b>N/A</b>	<b>N</b>
(c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse	<b>N/A</b>	<b>N</b>
<b>A.3</b> 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	<b>Y</b>	<b>Y</b>
(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	<b>N/A</b>	<b>Y</b>

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

## DISCUSSION

Condition 11 of the original application S6/2002/0967/FP for the erection of 46 dwellings states that “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”. Whilst permitted development rights were not removed by way of condition, so development in terms of the replacement and insertion of new windows would fall under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015, the conversion of the garage away from the purpose of vehicular storage is contrary to Condition 11 of the original permission for the dwelling. As such, the conversion of the garage to habitable accommodation cannot be considered as lawful.

## RECOMMENDATION

The proposal is contrary to the requirements of condition 11 of application referenced S6/2002/0967/FP which states that “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”. Accordingly, the change of use of the garage for any other purpose is not lawful.

**REFUSED DRAWING NUMBER(S):** 1:1250 Site Location Plan & 2556/1 & 2556/2 & 2556/3 & 2556/4 received and dated 05 May 2015

## INFORMATIVE:

Upon site visit the works were substantially complete. As the development is not lawful and requires formal planning permission, the enforcement team will be informed of the breach.