

**WELWYN HATFIELD BOROUGH COUNCIL  
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

**DELEGATED APPLICATION**

**Application No:** 6/2017/1364/PN8  
**Location:** 397 St Albans Road West Hatfield AL10 9RU  
**Proposal:** Prior approval for the erection of a single storey rear extension measuring 4.5m in depth, 3.6m in height and 2.55m to the eaves.  
**Officer:** Ms L Hale

**Recommendation:** Prior Approval Refused

6/2017/1364/PN8

<b>Context</b>		
Application Description	Prior approval for the erection of a single storey rear extension measuring 4.5m in depth, 3.6m in height and 2.55m to the eaves.	
Relevant planning History	Planning  S6/1991/ 0020/FP – Single storey extension to garage – Granted 28/01/1991 S6/1976/0258/ - Ground Floor rear extension – Granted 23/06/1976  <a href="#">Plotting sheets pre-1974 – garage an extension to original dwelling.</a>	
<b>The main issues are:</b>		
<b>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) (England) Order 2015 as amended</b>		
	Yes / No	To be PD
Have permitted development rights been removed	<b>N</b>	N
Is the property a dwellinghouse	<b>Y</b>	Y
Is it detached?	<b>N</b>	
Is it semi-detached or terraced?	<b>Y</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 (changes of use)	<b>N</b>	N
<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	<b>N</b>	N

(ii) fronts a highway and forms a side elevation of the original dwellinghouse		
(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>Y (see(g g))</b>	N
until 30th May 2019		
(g) is the development outside of article 2(3) land (conservation area) or outside of a site of special scientific interest	<b>Y</b>	Y
(g) cont_ would it have a single storey (previous extensions to the rear need to be taken into account)	<b>Y</b>	
(i) Would it extend beyond the rear wall of the original dwellinghouse by up to or the equivalent of 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse	<b>Y 4.5M</b>	
(ii) Be less than or equal to 4 metres in height	<b>Y 3.6 M</b>	
Have any representations been received from <b>adjoining</b> premises		
(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	N	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 2.55M</b>	N
(j) 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
(ja) any total enlargement (being <u>the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined</u> ) exceeds or would exceed the limits set out in paragraphs (e) to (j)	<b>Y</b>	N
(k) 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
<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</b>	N
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;	<b>N/A</b>	N
(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>	N
<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>	Y
(b) would any upper-floor window located in a wall or roof slope forming a side elevation of the dwelling house be:-	<b>N/A</b>	Y

(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;		
(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

Amendments to the Town and Country Planning (General Permitted Development) Order

(GPDO) 2015 came into force 6<sup>th</sup> April 2017 and included an amendment to Part 1 Class A. After paragraph A.1 (j), the following part has been inserted '*(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in paragraph (e) to (j)*'. Therefore, where a proposed extension would be joined to an existing extension, some limitations and conditions apply to only the proposed extension, whereas other limitations and conditions apply to the combined structure.

In this instance, as the proposed extension would join to an existing extension, it is important to firstly assess the proposed extension and then subsequently, the combined structure. When assessing only the proposed extension, it is noted that this would meet with the relevant limits and conditions of A.1 (e) to (j), however, when assessing the proposed extension and existing extensions as a combined structure in line with the amendments to Class A of the GPDO 2015, the proposal would fail to comply with A.1 (ja). Using the plotting sheets, it is evident that the original property did not benefit from a garage attached to the side of the property. Therefore, as the proposed extension would attach to an existing side extension, the combined structure would have a width greater than half that of the original dwellinghouse. The proposal would exceed the limits set out in paragraphs (e) to (j) would therefore fails to comply with A.1 (ja).

Accordingly, whilst no objections have been received from neighbouring properties, the proposal is not permitted development by Class A. Accordingly, the application for prior approval is refused using the powers transferred to the Local Planning Authority under Paragraph A.4(3)(a) of that Order as the development fails to comply with the conditions, limitations or restrictions applicable to development permitted by Class A.

**Reasons for Refusal:**

1. The total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) would exceeds the limits set out in paragraph A.1 (e) to (j) and therefore fails to comply with paragraph A.1 (ja) of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015. The application for prior approval is refused.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
MDHA/0617 /01		Existing & Proposed Plans	22 June 2017

**Determined By:**

Mr C Carter  
9 August 2017