

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

DELEGATED APPLICATION

Application No: 6/2017/2297/LAWP
Location: 9 Theobalds Close Cuffley Potters Bar EN6 4HH
Proposal: Certificate of lawfulness for the erection of a ground floor extension and studio annexe following demolition of existing lean-to garage
Officer: Ms Lucy Hale

Recommendation: Refused

6/2017/2297/LAWP

Context		
Application Description	Certificate of lawfulness for the erection of a ground floor extension and studio annexe following demolition of existing lean-to garage.	
Relevant planning History	<p>Planning</p> <p>Application Number: S6/2014/0563/FP Decision: Granted Decision Date: 10 June 2014 Proposal: Erection of single storey rear extensions and rear dormer</p> <p>S6/2010/0869/LU - Certificate of lawfulness for a proposed roof alteration, rear dormer window and two roof lights on front elevation, Approved 27 May 2010</p> <p>S6/2010/0868/LU - Certificate of Lawfulness for a proposed single storey rear and side extension, Approved 27 March 2010</p>	
The main issues are:		
<p align="center">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</p>		
	Yes / No	To be PD
Have permitted development rights been removed	N	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	
(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)	N	N
Development not permitted by Class A		
(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)	N	N
(c) would the height of the part of the dwellinghouse enlarged, improved or altered	N	N

exceed the height of the highest part of the roof of the existing dwellinghouse		
(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	N	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	N	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	Y 9.6 M in total Y 4.7 m	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	N/A	Y
(g) cont_ would it have a single storey (previous extensions to the rear need to be taken into account)	N/A	
(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	N/A	
(ii) Be less than or equal to 4 metres in height	N/A	
Have any representations been received from adjoining premises	N/A	
(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	Y	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	Y	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
A.2 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;	N	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 which the window is installed;	N/A	Y
(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

The proposed development follows a recently granted planning application under reference S6/2014/0563/FP for single storey rear extensions and rear dormer. The plans submitted for the certificate are the same as those granted under the planning application for the rear extensions although the applicant outlines that the dormer is no longer included in the scheme. The proposal extends further than 8 metres off the original rear wall and exceeds 4m in height thus failing to comply with Schedule 2, Part 1, Class A (f).

The extension also falls within 2 metres of a boundary with the eaves height exceeding 3 metres thereby failing to comply with Schedule 2, Part 1, Class A (i).

The extension further extends beyond a wall forming a side elevation of the original dwellinghouse and has a width greater than half the width of the original dwellinghouse and thus fails to comply with Schedule 2, Part 1, Class A (j)

Conclusion and recommendation

The proposal fails to comply with the Town and Country (General Permitted Development) (England) Order 2015 by virtue of the proposed development extending beyond the rear wall of the original dwellinghouse by more than 3 metres and exceeding 4 metres in height, falling within 2 metres of a boundary with the eaves height exceeding 3 metres and extending beyond a wall forming a side elevation of the original dwellinghouse and having a width greater than half the width of the original dwellinghouse. As such the development is not deemed to be lawful. Certificate of Lawfulness is therefore refused.

Determined By:

Mr Bright Owusu
5 December 2017