

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

**DELEGATED APPLICATION**

**Application No:** 6/2017/2319/LAWP  
**Location:** 1 Ivy Walk Hatfield AL10 9FX  
**Proposal:** Certificate of Lawfulness for the installation of rear dormer and 3 x front skylights to facilitate loft conversion  
**Officer:** Ms Lucy Hale

**Recommendation:** Refused

6/2017/2319/LAWP

Context		
Application Description	Certificate of Lawfulness for the installation of rear dormer and 3 x front skylights to facilitate loft conversion	
Relevant planning History	<p>S6/2001/0577/FP - RESIDENTIAL DEVELOPMENT COMPRISING 370 DWELLINGS, NEW ROADS, CYCLEWAYS, FOOTPATHS, LANDSCAPING AND PUBLIC OPEN SPACE. (REVISION TO PLANNING PERMISSION S6/1999/0884/FP) – Granted 26/03/2002 Approval subject to s106</p> <p>S6/1999/0884/FP – Residential Development Comprising 370 Dwellings, New Roads, Cycleways, Footpaths, Landscaping and Public Open Space (Granted). Permitted development rights falling within Classes A (extensions), B (alteration to roof), D (porches) or F (hard surface) of Part 1 or Classes A (gates, fence or wall) or B (access to a highway) of Part 2 to Schedule 2 were removed by way of condition.</p>	
<b>The main issues are:</b>		
<b>Whether the proposed works are permitted development by virtue of <u>Schedule 2, Part 1, Class B</u> (consisting of an addition or alteration to its roof) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended</b>		
	<b>Yes / No</b>	<b>To be PD</b>
Have permitted development rights been removed S6/2001/0577/FP- Class B	<b>Y</b>	<b>N</b>
Is the property a dwellinghouse	<b>Y</b>	<b>Y</b>
Is it detached?	<b>N</b>	
Is it semi-detached or terraced?	<b>Y</b>	
Is it within a conservation area	<b>N</b>	
<b>B.1</b> (a) Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)?	<b>N</b>	<b>N</b>
(b) would any part of the dwellinghouse, as a result of the works, exceed the height of the highest part of the existing roof	<b>N</b>	<b>N</b>
(c) would any part of the dwellinghouse, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway	<b>N</b>	<b>N</b>
(d) would the cubic content of the resulting roof space exceed the cubic content of		<b>N</b>

the original roof space by more than:- (i) 40 cubic metres in the case of a terrace house, or (ii) <u>50 cubic metres</u> in any other case		
<i>Calculation in here</i> <i>50 cubic metres allowance</i> 2.2 metres (height) x 5.6 metres (width) x 4.2 metres (depth)/2 = 25.8 cubic metres		
(e) would it consist of or include:- (i) the construction or provision of a veranda, balcony or raised platform, or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe	<b>N</b>	N
(f) is the dwellinghouse on article 2(3) land (conservation area)	<b>N</b>	N
<b>B.2</b> Development is permitted by Class B subject to the following conditions:- (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse (b) is the enlargement constructed so that- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension – (aa) the eaves of the original roof are maintained or reinstated: and (bb) the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves, measured along the roof slope from the outside edge of the eaves; and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse. (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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		
<b>B.3</b> For the purposes of Class B “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this class or not (refer (c) above).		
<b>B.4</b> For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not be considered part of the development.		
<b>The main issues are:</b>		
<b>Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class C (any other alteration to the roof) of the Town and Country Planning (General Development) (England) Order 2015 as amended</b>		
Development not permitted by Class C		
Have permitted development rights been removed	<b>N</b>	N
(b) would the alteration protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;	<b>N</b>	N
(c) would it result in the highest part of the alteration being higher than the highest part of the original roof; or	<b>N</b>	N
(d) would it consist of or include— (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.	<b>N</b>	N

Conditions		
C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be— (a) obscure-glazed; and (b) 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

### Discussion

Permitted development rights have been removed by condition 16 in relation to the original planning application reference S6/2001/0577/FP for the Residential Development Comprising 370 Dwellings, New Roads, Cycleways, Footpaths, Landscaping and Public Open Space (Revision to planning permission S6/1999/0884/FP). Permitted development rights falling within Classes A (extensions), B (alteration to roof), D (porches) or F (hard surface) of Part 1 or Classes A (gates, fence or wall) or B (access to a highway) of Part 2 to Schedule 2 were removed by way of condition.

The site benefits from Permitted development rights falling within Class C. The roof lights proposed would comply with the criteria set out above.

### Reasons for Refusal:

1. The proposed dormer does not benefit from the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) by virtue of condition 16 of planning permission referenced S6/2001/0577/FP. As such, the request for a certificate of lawful development is be refused.

### REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
030-2017-PA-YQ-OS		Location and Block plan	10 October 2017
030-2017-PA-YQ-006		Proposed West Elevation	10 October 2017
030-2017-PA-YQ-002		Front and Rear Existing Elevations	10 October 2017
030-2017-PA-YQ-005		Front and Rear Proposed Elevations	10 October 2017
030-2017-PA-YQ-004		Existing East Elevation	10 October 2017
030-2017-PA-YQ-003		Existing West Elevation	10 October 2017
030-2017-PA-YQ-007		Proposed East Elevation	10 October 2017
030-2017-PA-YQ-001		Existing and Proposed Floor Plans	10 October 2017

### Determined By:

Mr Bright Owusu  
12 December 2017