

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

DELEGATED APPLICATION

Application No: 6/2018/1367/LAWP
Location: 397 St Albans Road West Hatfield AL10 9RU
Proposal: Certificate of lawfulness for a hip to gable loft conversion with rear dormer window and two rooflights
Officer: Ms Lucy Hale

Recommendation: Granted

6/2018/1367/LAWP

| Context | | |
|--|--|-----------------|
| Application Description | Certificate of lawfulness for a hip to gable loft conversion with rear dormer window and two roof lights. | |
| Relevant planning History | <p>Application Number: S6/1976/0258/ Decision: Granted Decision Date: 23 June 1976 Proposal: Ground floor rear extension</p> <p>Application Number: S6/1991/0020/FP Decision: Granted Decision Date: 28 January 1991 Proposal: Single storey extension to garage</p> <p>Application Number: 6/2017/1364/PN8 Decision: Prior Approval Refused Decision Date: 09 August 2017 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.</p> <p>Application Number: 6/2017/2453/PN8 Decision: Prior Approval Not Required Decision Date: 30 November 2017 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</p> | |
| The main issues are: | | |
| Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class B (consisting of an addition or alteration to its roof) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended | | |
| | Yes / No | To be PD |
| Have permitted development rights been removed | N | N |
| Is the property a dwellinghouse | Y | Y |

| | | |
|---|------------------------------|---|
| Is it detached or semi-detached? | N | |
| Is it terraced? | Y | |
| Is it within a conservation area | N | |
| B.1 (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)? | N | N |
| (b) would any part of the dwellinghouse, as a result of the works, exceed the height of the highest part of the existing roof | N | N |
| (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 | N | N |
| (d) would the cubic content of the resulting roof space exceed the cubic content of the original roof space by more than:- (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case | N | N |
| <i>Calculation in here:</i> | | |
| <i>Hip to gable: (1/2 x 8.475 x 2.960) x 4.240 / 3 = 17.73 m³</i> | | |
| <i>Dormer: (1/2 x 2.40 x 3.70) x 5.9 = 26.20 m³</i> | | |
| <i>Total volume: 43.93 m³</i> | | |
| (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 | Y (see Class G below) | N |
| (f) is the dwellinghouse on article 2(3) land (conservation area) | N | N |
| B.2 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.3 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.4 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. | | |

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| The main issues are: | | |
| 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 | | |
| Development not permitted by Class C | | |
| (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; | N 0.13M | N |
| (c) would it result in the highest part of the alteration being higher than the highest part of the original roof; or | N | 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. | Y (see Class G below) | 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. | | Y |
| The main issues are: | | |
| Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class G (consisting of the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended | | |
| D.1 Development is not permitted by Class G if:- | | |
| (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 | N | N |
| (b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or | N | N |
| (c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which :- (i) fronts a highway, and (ii) forms either the principal elevation or side elevation of the dwellinghouse | N | N |

Conditions:

1. The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

REASON: To ensure compliance with paragraph B.2(a) of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015, as amended

DRAWING NUMBERS

2. The development/works shall not be started and completed other than in accordance with the approved plans and details:

| Plan Number | Revision Number | Details | Received Date |
|--------------------|------------------------|-----------------------------|----------------------|
| MDHA/0418/01/A | A | Existing and Proposed Plans | 3 June 2018 |

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

Determined By:

Mr Mark Peacock
19 July 2018