

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

**DELEGATED APPLICATION**

**Application No:** 6/2018/2827/PN8  
**Location:** 40 Astwick Avenue Hatfield AL10 9LA  
**Proposal:** Prior approval for the erection of a single storey rear extension measuring 6m in depth, 3m in height and, 2.8m to the eaves  
**Officer:** Ms Emily Stainer

**Recommendation:** Prior Approval Refused

6/2018/2827/PN8

<b>Context</b>		
Application Description	Prior approval for the erection of a single storey rear extension measuring 6m in depth, 3m in height and, 2.8m to the eaves	
Relevant planning History	Application Number: S6/1978/0200/ Decision: Granted Decision Date: 06 June 1978 Proposal: Ground floor rear extension  Application Number: S6/1989/0662/FP Decision: Granted Decision Date: 14 August 1989 Proposal: Single storey front and side extension and addition of pitched roof to existing flat roofed rear extension	
<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	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
<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)	N	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 – 3m</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 – 2.8m</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>Y (see (g))</b>	N
<b>until 30th May 2019</b>		
(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) (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 – 6m</b>	
(ii) (ii) Be less than or equal to 4 metres in height	<b>Y – 3m</b>	
Have any representations been received from <b>adjoining</b> premises	<b>N</b>	
(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 – 2.8m</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	<b>N</b>	N
(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 sub-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	<b>N</b>    <b>N</b>	N
<b>A.2</b> In the case of a dwellinghouse on article 2(3) land, development is not permitted if:-	<b>N/A</b>	N
(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) 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	N/A	N
(d) 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 sub-paragraphs (b) and (c)	N/A	
<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		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) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, 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 on the 6th April 2017 and included an amendment to Part 1 Class A of Schedule 2. 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). Planning application S6/1978/0200 granted permission for a single storey rear extension and S6/1989/0662/FP approved permission for a single storey front and side extension and addition of pitched roof to the existing flat roofed rear extension. These works have been implemented. The existing elevations demonstrate that the pitched roof addition to the single storey rear extension has increased the ridge height to approximately 4.4 metres. There are discrepancies between the drawings however as proposed plan 15165-PRE-02 Rev 0 shows the ridge height to measure approximately 4.5 metres. The plan also includes the addition of a parapet to the side of the roof measuring up to 4.9 metres in height. While the proposed addition would have a maximum height of 3 metres, it would be attached to the approved rear and side extension. By virtue of this attachment, the combined structure would have a total height of approximately 4.9 metres and therefore would exceed 4 metres in height, would extend beyond a wall forming a side elevation and 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 exceed 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.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
15164-PLN-02	0	Existing Elevations	2 November 2018
15164-PLN-07	0	Existing Perspective	2 November 2018
MCD2018-JN/01		Site Location and Block Plan	9 November 2018
15165-PLN-00	0	Proposed Floor Plans	2 November 2018
15165-PLN-03	0	Proposed Section	2 November 2018
15164-PLN-00	0	Existing Floor Plans	2 November 2018
15164-PLN-03	0	Existing Sections	2 November 2018
15165-PRE-02	0	Proposed Elevations	2 November 2018
15165-PLN-07	0	Proposed Perspective	2 November 2018

**Determined By:**

Mr Mark Peacock  
19 December 2018