

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

DELEGATED APPLICATION

Application No: 6/2020/0851/LAWP
Location: 40 Vineyards Road Northaw Potters Bar EN6 4PA
Proposal: Certificate of lawfulness for the installation of 2x front facing roof lights and 2x rear dormers to facilitate loft conversion
Officer: Mr Tom Gabriel

Recommendation: Refused

6/2020/0851/LAWP

Context		
Application Description	The application is for a certificate of lawfulness for the installation of two front facing roof lights and two rear dormers to facilitate a loft conversion	
Relevant Planning History	<p>Application Number: S6/1989/0894/FP Decision: Granted Decision Date: 08 December 1989 Proposal: Demolition of existing single storey side extension and erection of two storey side extension and detached garage</p> <p>Application Number: S6/2009/0435/FP Decision: Granted Decision Date: 28 April 2009 Proposal: Erection of a single storey rear extension</p>	
<p>The main issues are:</p> <p>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</p>		
Discussion		
	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?	Y	
Is it terraced?	N	
Is it within a conservation area	N	
B.1 (a) Has permission to use the dwellinghouse as a dwellinghouse	N	N

been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)?		
(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	Y see below	N
<p><u>Calculation</u></p> <p>Volume of existing roof extension/ alterations;</p> <p>The main roof over the side extension –</p> $(2.46 \text{ (h)} \times 6.6 \text{ (d)} \times 5.33 \text{ (w)}) / 2 = 43.25\text{m}^3$ <p>The section of roof resulting from the projection of the rear wall of the side extension -</p> $(2.46 \text{ (h)} \times .66 \text{ (d)} \times 6.4 \text{ (w)}) / 2 = 5.2\text{m}^3$ <p>Total volume of existing roof extension/ alterations = 48.45m³</p> <p>Proposed dormers: $(1.2 \text{ (h)} \times 2 \text{ (d)} \times 2.1 \text{ (w)}) / 2 = 5.04 \text{ m}^3$</p> <p>Total = 53.49 m³</p>		
(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	N	N
(f) is the dwellinghouse on article 2(3) land (conservation area)	N	N

<p>B.2 Development is permitted by Class B subject to the following conditions:-</p> <p>(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</p> <p>(b) is the enlargement constructed so that-</p> <ul style="list-style-type: none"> (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 – <ul style="list-style-type: none"> (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. <p>(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be –</p> <ul style="list-style-type: none"> (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 	<p>N</p>	
<p>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</p>		

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.		
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	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.	N	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	

The proposal has been assessed against and fails to comply with the conditions and limitations of Schedule 2, Part 1, Class B of The Town and Country (General Permitted Development) Order 2015 (as amended).

Reasons for Refusal:

1. The proposal has been assessed against and fails to comply with the conditions and limitations of Schedule 2, Part 1, Class B of The Town and Country (General Permitted Development) Order 2015 (as amended).

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
1725SC_LD C SH2		Block Plan and Proposed Floor Plans and Elevations	16 April 2020
1725SC_LD C SH1		Location Plan and Existing Floor Plans and Elevations	16 April 2020

Determined By:

Mr Jonathan Murray
24 April 2020