

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

DELEGATED APPLICATION

Application No: 6/2020/0977/LAWP
Location: 89 Lemsford Road, Hatfield, AL10 0DZ
Proposal: Erection of single storey side extension and single storey rear extension
Officer: Mr David Elmore

Recommendation: Refused

6/2020/0977/LAWP

Context	
Application Description	Certificate of Lawfulness for single storey rear extension and single storey side extension
Relevant planning History	<p>Application Number: 6/2020/0195/HOUSE Decision: Refused Decision Date: 17 April 2020 Proposal: Erection of single storey side and rear extension</p> <p>Application Number: S6/1996/0136/FP Decision: Granted Decision Date: 09 April 1996 Proposal: Erection of a single storey side extension to form garage. (Revisions to planning permission granted S6/0623/95)</p> <p>Application Number: S6/1995/0623/FP Decision: Granted Decision Date: 25 September 1995 Proposal: Erection of single lean to garage to side of house</p> <p>Application Number: S6/1979/0075/ Decision: Granted Decision Date: 02 March 1979 Proposal: Ground floor rear extension, front porch and detached garage</p>

The main issues are:

- 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**

	Yes / No	To be PD
Have permitted development rights been removed	N	N
Is the property a dwellinghouse	Y	Y
Is it detached?		
Is it semi-detached or terraced?	Y	

Is it within a conservation area	N	
A.1 Development is not permitted by Class A if -		
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	N	N
(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) 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	N	N
(d) 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) 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) 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	<u>Y</u>	N
(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and – (i) 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, or (ii) be less than or equal to 4 metres in height	Y	Y
(h) the enlarged part of the dwellinghouse would 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 being enlarged which is opposite the rear wall of that dwellinghouse	N	N
(i) the enlarged part of the dwellinghouse would 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	N	N
(j) the enlarged part of the dwellinghouse would 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	N	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);	<u>Y</u>	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:-	N/A	N/A
(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;	N/A	N/A
(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
(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	N/A
A.3 Development is permitted by Class A subject to the following conditions:- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse	N	Y
(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwelling house must 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	N/A
(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	N/A
Discussion		
<p>The proposed single storey rear extension would attach onto a non-original single storey rear extension (granted planning permission under application number S6/1979/0075/). The total enlargement would extend beyond the rear wall of the original dwellinghouse by 6 metres and therefore fail to accord with parts A.1 (f)(i) and A.1 (ja).</p> <p>The submitted plans do not indicate that the materials to be used in the exterior works would be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Therefore, the proposal would fail to accord with part A.3(a).</p>		
Conclusion		
<p>The proposed single storey rear extension would attach onto a non-original single storey rear extension (granted planning permission under application number S6/1979/0075/). The total enlargement would extend beyond the rear wall of the original dwellinghouse by more than 3 metres and therefore fail to accord with Schedule 2, Part 1, Class A, A.1 (f)(i) and (ja) of the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended.</p> <p>The submitted plans do not indicate that the materials to be used in the exterior works would be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The proposal would therefore fail to accord with Schedule 2, Part 1, Class A, A.3(a) of the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended.</p>		

Reasons for Refusal:

1. The proposed single storey rear extension would attach onto a non-original single storey rear extension (granted planning permission under application number S6/1979/0075/). The total enlargement would extend beyond the rear wall of the original dwellinghouse by more than 3 metres and therefore fail to accord with Schedule 2, Part 1, Class A, A.1 (f)(i) and (ja) of the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended.

2. The submitted plans do not indicate that the materials to be used in the exterior works would be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The proposal would therefore fail to accord with Schedule 2, Part 1, Class A, A.3(a) of the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended.

REFUSED DRAWING NUMBERS

3.

Plan Number	Revision Number	Details	Received Date
TQRQM193 651849377 65		Location Plan	30 April 2020
110		Site Plan	30 April 2020
111		Proposed Ground Floor Plan	30 April 2020
101		Existing Ground Floor Plan	30 April 2020
112		Existing and Proposed Elevations	30 April 2020

Determined By:

Mr Mark Peacock
25 June 2020