

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

DELEGATED APPLICATION

Application No: 6/2020/1989/PN8
Location: 89 Lemsford Road Hatfield AL10 0DZ
Proposal: Prior approval for the erection of a single storey rear extension measuring 6m in depth, 3.10m in height and 3m to the eaves.
Officer: Mr Tom Gabriel

Recommendation: Prior Approval Refused

6/2020/1989/PN8

Context		
Application Description	<p>The application site comprises a semi- detached dwelling in a long narrow plot on the western side of the road.</p> <p>The application is for the prior approval of the Council for the erection of a single storey rear extension, measuring 6m deep (together with the depth of the existing rear projection), 3.1m high and 3m high at the eaves.</p>	
Relevant planning History	<p>Application Number: 6/2020/1872/LAWP Decision: Granted Decision Date: Proposal: Certificate of lawfulness for hip to gable and dormer roof extensions.</p> <p>Application Number: 6/2019/0877/PA Decision: Refused Decision Date: 12 June 2019 Proposal: Pre application advice for a loft conversion and possible side extension</p>	
The main issues are:		
<p align="center">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</p>		
	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, PA or Q of Part 3 of this Schedule (changes of use);	N	N
Development not permitted by Class A		

(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	N	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	N	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	N	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	Y – 6m	N
(g) is the development outside of article 2(3) land (conservation area) or outside of a site of special scientific interest	Y	Y
(g) cont_ would it have a single storey (previous extensions to the rear need to be taken into account)	Y	
(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	Y – 6m	
(ii) (ii) Be less than or equal to 4 metres in height	Y	
Have any representations been received from adjoining premises	N	
(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 being enlarged which is opposite the rear wall of that dwellinghouse;	N	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	Y – 3.1m See below	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	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)	N	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:- (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	N/A	N

tiles;		
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;	N/A	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	
A.3 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,	Not specified	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

Discussion

The forms submitted with the application state that the eaves height of the extension would be 3m though the extension would be 3.1m high in total. The extension would have a flat roof. The Permitted Development Rights for Householders Technical Guidance states 'Eaves height is measured from the ground level at the base of the outside wall to the point where that wall would meet the upper surface of the flat roof' (p.12). Accordingly, the proposed extension would be within 2m of the boundary of the curtilage of the dwellinghouse and would and the height of the eaves of the enlarged part would exceed 3m. It therefore does not comply with Class A 1 (h) (i) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Moreover, the proposed materials of construction have not been specified either on the plans for the proposal or the application forms. The proposal therefore does not comply with Paragraph A 3 (a) of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposal may therefore not be granted under the prior approval procedure.

Reasons for Refusal:

1. The proposed extension would be within 2m of the boundary of the curtilage of the dwellinghouse and would and the height of the eaves of the enlarged part would exceed 3m. It therefore does not comply with Class A 1 (h) (i) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
2. The proposed materials of construction have not been specified either on the plans for the proposal or the application forms. The proposal therefore does not comply with Paragraph A 3 (a) of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

REFUSED DRAWING NUMBERS

3.

Plan Number	Revision Number	Details	Received Date
066/EX/001		Location Plan	12 August 2020
066/PR/202		Proposed Block Plan	12 August 2020

Determined By:

Mr Mark Peacock
23 September 2020