

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

DELEGATED APPLICATION

Application No: 6/2020/2046/LAWP
Location: Meadow View Wyndham Cottage Camfield Place Kentish Lane
 Hatfield AL9 6JE
Proposal: Certificate of lawfulness for proposed side dormers
Officer: Mr Tom Gabriel

Recommendation: Refused

6/2020/2046/LAWP

Context	
Application Description	<p>The application site comprises a detached dwelling which was formerly the garage of the adjacent property.</p> <p>The application is for a certificate of lawfulness for two side dormer windows and one side velux window.</p>
Relevant Planning History	<p>Application Number: 6/2015/2413/FULL Decision: Granted Decision Date: 05 February 2016 Proposal: Create a separate dwelling house from an existing garage</p> <p>Application Number: 6/2018/0279/COND Decision: Granted Decision Date: 19 March 2018 Proposal: Submission of details to condition 3 (parking) on planning permission 6/2015/2413/FULL</p> <p>Application Number: 6/2019/1148/HOUSE Decision: Refused Decision Date: 02 August 2019 Proposal: Erection of first floor extension and installation of two dormer windows to facilitate loft conversion</p> <p>Application Number: 6/2020/2047/HOUSE Decision: Concurrent application Decision Date: Proposal: Erection of a first floor rear extension including 3 rooflights</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		
Discussion		
	Yes / No	To be PD
Have permitted development rights been removed Condition 2 of planning permission 6/2015/2413/FULL for the creation of a separate dwelling house from an existing garage removed the permitted development rights relating to Classes A, B and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.	Y	N
Is the property a dwellinghouse	Y	Y
Is it detached or semi-detached?	Y – detached	
Is it terraced?	N	
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 see below	N
<p><u>Calculation</u></p> <p>Big dormer: $(1/2 \times (5.75 (w) \times 2.2 (h) \times 2.4 (d)) = 14.7 \text{ m}^3$</p> <p>Little dormer $(1/2 \times (2.7 (w) \times 2.2 (h) \times 2.4 (d)) = 7.13 \text{ m}^3$</p> <p>Total = 21.83 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> <p>(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 –</p> <p>(aa) the eaves of the original roof are maintained or reinstated: and</p> <p>(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</p> <p>(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> <p>(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be –</p> <p>(i) obscure-glazed, and</p> <p>(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>	<p>N – not specified on the plans or in the application form</p> <p>Y</p> <p>Y</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 permitted by this class or not (refer (c) above).</p>		
<p>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.</p>		

<p>The main issues are:</p>		
<p>Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class C (consisting of any other alteration to the roof) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended</p>		
	<p>Yes / No</p>	<p>To be PD</p>
<p>Have permitted development rights been removed</p>	<p>N</p>	<p>N</p>
<p>Is the property a dwellinghouse</p>	<p>Y</p>	<p>Y</p>
<p>(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</p>	<p>N</p>	<p>N</p>
<p>Development not permitted by Class C</p>		
<p>(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;</p>	<p>Not specified</p>	<p>N</p>
<p>(c) would it result in the highest part of the alteration being higher than the highest part of the original roof; or</p>	<p>N</p>	<p>N</p>
<p>(d) would it consist of or include—</p> <p>(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or</p> <p>(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.</p>	<p>N</p>	<p>N</p>
<p>Conditions</p>		

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.	Not specified	Y
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Conclusion
The proposed development incorporating two side dormer windows and one side velux window may not be classed as permitted development and therefore requires planning permission.

Reasons for Refusal:

1. The proposal fails to be classed as permitted development as the permitted development rights for the dwelling were removed when permission was granted for it.
2. 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) as the materials for the development have not been specified.
3. The proposal has been assessed against and it is not known whether it complies with the conditions and limitations of Schedule 2, Part 1, Class C of The Town and Country (General Permitted Development) Order 2015 (as amended) as it has not been specified how far the velux window would project from the roofslope and whether that part of the velux window 1.7m above internal floor level would be obscure glazed and non-opening.

REFUSED DRAWING NUMBERS

4.	Plan Number	Revision Number	Details	Received Date
	222		Proposed Plans and Elevations	13 August 2020
	14111-S-001-1st		Survey Drawings	13 August 2020

Determined By:

Mr Jonathan Murray
1 October 2020