

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

DELEGATED APPLICATION

Application No: 6/2020/2180/LAWP
Location: 9 Hook Lane Northaw Potters Bar EN6 4DA
Proposal: Certificate of lawfulness for installation of 1x side dormer to facilitate loft conversion
Officer: Mr Tom Gabriel

Recommendation: Refused

6/2020/2180/LAWP

Context	
Application Description	The application is for a certificate of lawfulness for a side dormer window to facilitate a loft conversion.
Relevant Planning History	<p>Application Number: S6/1988/0172/FP Decision: Granted Decision Date: 25 April 1988 Proposal: Two storey and single storey rear extension</p> <p>Application Number: S6/1989/0895/FP Decision: Granted Decision Date: 27 November 1989 Proposal: First floor side extension</p> <p>Application Number: S6/1991/0397/FP Decision: Granted Decision Date: 15 July 1991 Proposal: Single storey rear extension</p> <p>Application Number: 6/2020/2181/HOUSE Decision: Concurrent application Decision Date: Proposal: Erection of a single storey rear extension</p>
The main issues are:	
Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended	

Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class A (consisting of an extension or alteration) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

Town and Country Planning (Use Classes) Order 1987 (as amended)

Discussion

	Yes / No	To be PD
Have permitted development rights been removed	N	N
Is the property a dwellinghouse	Y	Y
Is it detached?	N	N
Is it semi-detached or terraced?	Y	N
Is it within a conservation area	N	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
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	N	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)	N	Y
(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	N	N
(ii) Be less than or equal to 4 metres in height	N	Y
Have any representations been received from adjoining premises	N/A	N/A
(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	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	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	Y	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	Y	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 tiles;	N/A	N
(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
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	Y	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;	Y	N/A
(c) would, where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part, so far as practicable, be the same as the roof pitch of the original dwellinghouse	Y	N/A

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		
	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 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	N see	N

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	below	
<p><u>Calculation</u></p> <p>Lower half of the proposed dormer: $(1/2 \times 5 \text{ (w)} \times 1.95 \text{ (h)} \times 1.95 \text{ (d)}) = 9.5 \text{ m}_3$</p> <p>Roof of the proposed dormer : $(1/2 \times 5.4 \text{ (w)} \times 3.2 \text{ (h)} \times 2.3 \text{ (d)}) = 19.87 \text{ m}_3$</p> <p>Total = 29.37 m₃</p> <p>Volume of half of existing dormer (shared with 10 Hook Lane):</p> <p>Lower half of the dormer: $(1/2 \times 2.7 \text{ (w)} \times 1.55 \text{ (h)} \times 1.65 \text{ (d)}) = 3.45 \text{ m}_3$</p> <p>Roof of the dormer : $(1/2 \times 2.8 \text{ (w)} \times 2.2 \text{ (h)} \times 2 \text{ (d)}) = 6.16 \text{ m}_3$</p> <p>Total = 9.61 m₃</p> <p>Total = 38.98 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>Y</p> <p>Y</p> <p>Y</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.		
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.		

Discussion

Notwithstanding the above calculations and considerations, the proposed side dormer window would be partially sited above and be attached to the single storey side/ rear extension granted under ref. S6/1988/0172/FP. Accordingly, in their totality, the proposed additions to the dwelling would represent a wraparound extension. This may not be classed as permitted development under Class A i, A j (i), (ii) and (iii), A j (a) and A k (iv) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Reasons for Refusal:

1. The proposed side dormer window would be partially sited above and be attached to the single storey side/ rear extension granted under ref. S6/1988/0172/FP. Accordingly, in their totality, the proposed additions to the dwelling would represent a wraparound extension. This may not be classed as permitted development under Class A i, A j (i), (ii) and (iii), A j (a) and A k (iv) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
SH1	0	Existing: Location Plan, Block Plan, Floor Plans & Elevations	1 September 2020
SH2	0	Proposed: Block Plan, Floor Plans & Elevations	1 September 2020

Determined By:

Mr Jonathan Murray
22 October 2020

