

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

DELEGATED APPLICATION

Application No: 6/2021/0132/LAWP
Location: 18 Firs Wood Close Northaw Potters Bar EN6 4BY
Proposal: Certificate of Lawfulness for the erection of a single storey rear extension
Officer: Mr David Elmore

Recommendation: Granted

6/2021/0132/LAWP

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| Context | | |
| Application Description | Certificate of lawfulness for the erection of a single storey rear extension | |
| Relevant planning History | <p>Application Number: S6/1988/0855/FP Decision: Granted Decision Date: 21 October 1988 Proposal: Rebuilding of four residential units</p> <p>Application Number: S6/1987/0171/FP Decision: Approval Subject to s106 Decision Date: 31 October 1987 Proposal: Change of use of existing racing association headquarters to residential comprising conversion and extensions to form 38 dwellings with associated car parking and access, and erection of one detached house with garage at Hook Kennels, Northaw, Herts.</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? | | |
| 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 | N | N |

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| original dwellinghouse); | | |
| (c) the height of the part of the dwellinghouse enlarged, improved or altered would 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 would exceed the height of the eaves of the existing dwellinghouse; | N | N |
| (e) the enlarged part of the dwellinghouse would 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; | N | 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 more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height; | N/A | N/A |
| (h) the enlarged part of the dwellinghouse would have more than a single 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 would— (i) exceed 4 metres in height, (ii) have more than a single 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 verandah, 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 |
| (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses). | N | N |
| A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A 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/A |
| (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or | N/A | N/A |
| (c) the enlarged part of the dwellinghouse would have more than a single 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 | N/A | N/A |

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| 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). | | |
| Conditions | | |
| 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; | Y | Y |
| (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse 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; and | 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 | | |
| No.17 Firs Wood Close has objected to the application on the grounds of loss of natural light and a sense of enclosure. However, as this is an application for a lawful development certificate, planning considerations are not relevant. | | |
| Conclusion | | |
| The proposed development would accord with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and would be lawful if instituted or begun at the time of the application. | | |

DRAWING NUMBERS

The development/works shall not be started and completed other than in accordance with the approved plans and details:

| Plan Number | Revision Number | Details | Received Date |
|--------------------|------------------------|--------------------------------------|----------------------|
| Location Plan | | Location Plan | 18 January 2021 |
| Block Plan | | Block Plan | 18 January 2021 |
| 2 of 5 | | Sections | 18 January 2021 |
| 3 of 5 | | Existing and Proposed Rear Elevation | 10 March 2021 |
| 4 of 5 | | Existing and Proposed Side Elevation | 10 March 2021 |
| 5 of 5 | | Proposed Side Elevation | 10 March 2021 |
| 1 of 5 | | Existing and Proposed Floor Plans | 18 January 2021 |

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

1. The proposed development would accord with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and would be lawful if instituted or begun at the time of the application.

Determined By:

Mr Jonathan Murray
12 March 2021