

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

**DELEGATED APPLICATION**

**Application No:** 6/2021/0915/LAWP  
**Location:** 25 Daisy Drive Hatfield AL10 9FR  
**Proposal:** Certificate of lawfulness for the erection of a loft conversion consisting of a rear dormer and front velux windows  
**Officer:** Ms Lois-May Chapman

**Recommendation:** Refused

6/2021/0915/LAWP

Context		
Application Description	Description of application where description requires expanding	
Relevant planning History	<p>Planning</p> <p>Application Number: S6/1999/0884/FP  Decision: Approval Subject to s106  Decision Date: 30 June 2000  Proposal: RESIDENTIAL DEVELOPMENT COMPRISING 370 DWELLINGS, NEW ROADS, CYCLEWAYS, FOOTPATHS, LANDSCAPING AND PUBLIC OPEN SPACE</p> <p>Application Number: S6/2001/1338/FP  Decision: Approval Subject to s106  Decision Date: 22 April 2002  Proposal: RESIDENTIAL DEVELOPMENT COMPRISING OF 200 DWELLINGS, NEW ROAD, CYCLE WAYS, FOOTPATHS, LANDSCAPING AND PUBLIC OPEN SPACE. (REVISIONS TO PLANNING PERMISSIONS S6/1999/0884/FP AND S6/2001/0577/FP)</p> <p>Application Number: S6/2001/0577/FP  Decision: Approval Subject to s106  Decision Date: 24 July 2003  Proposal: RESIDENTIAL DEVELOPMENT COMPRISING 370 DWELLINGS, NEW ROADS, CYCLEWAYS, FOOTPATHS, LANDSCAPING AND PUBLIC OPEN SPACE. (REVISION TO PLANNING PERMISSION S6/1999/0884/FP)</p>	
<b>The main issues are:</b>		
<b>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</b>		
	<b>Yes / No</b>	<b>To be PD</b>
Have permitted development rights been removed	<b>Y</b>	<b>N</b>

Is the property a dwellinghouse	Y	Y
Is it detached or semi-detached?	N	
Is it terraced?	Y	
Is it within a conservation area	N	
<b>B.1</b> (a) Has permission to use the dwellinghouse as a dwellinghouse 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) 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	N
<i>Dormer -</i>		
$\frac{1}{2} \times 2.5 (H) \times 3.3 (D) \times 5.2 (L) = 21.45 m^3$		
(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/A	N
<b>B.2</b> Development is permitted by Class B subject to the following conditions:- (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 (b) is the enlargement constructed so that- (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 – (aa) the eaves of the original roof are maintained or reinstated: and (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 (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. (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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  Y  Y  Y	
<b>B.3</b> 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>B.4</b> 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.		
<b>Conclusion</b>		
The property does not benefit from permitted development rights of Class B due to the rights being removed by condition 16 of the original planning application for the residential site. Planning application reference S6/2001/0577/FP granted on the 24 July 2003.		

The main issues are:		
Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class C (any other alteration to the roof) of the Town and Country Planning (General Development) (England) Order 2015 as amended		
	<b>Yes / No</b>	<b>To be PD</b>
Have permitted development rights been removed	<b>N</b>	<b>N</b>
Is the property a dwellinghouse	<b>Y</b>	<b>Y</b>
(a) Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P, PA or Q of Part 3	<b>N</b>	<b>N</b>
<b>Development not permitted by Class C</b>		
(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;	<b>N</b>	<b>N</b>
(c) would it result in the highest part of the alteration being higher than the highest part of the original roof; or	<b>N</b>	<b>N</b>
(d) would it consist of or include— (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.	<b>N</b>	<b>N</b>
<b>Conditions</b>		
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.	<b>N/A</b>	<b>Y</b>
<b>Conclusion</b>		
The proposed works are not permitted development by virtue of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by virtue of permitted development rights being removed by condition 16 of planning application S6/2001/0577/FP granted on the 24 July 2003.		

### **Reasons for Refusal:**

1. The proposed works are not permitted development by virtue of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by virtue of permitted development rights being removed by condition 16 of planning application S6/2001/0577/FP granted on the 24 July 2003.

### **REFUSED DRAWING NUMBERS**

2.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
AL109FR-25-01B		Existing & Proposed Plans & Elevations	8 April 2021

**Determined By:**

Mr William Myers  
27 May 2021