

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

DELEGATED APPLICATION

Application No: 6/2021/1172/LAWP
Location: Colesdale Farmhouse Northaw Road West Northaw Potters Bar EN6 4QZ
Proposal: Certificate of lawfulness for the demolition of historical rear two storey extension, and erection of a two storey rear extension projecting off the original rear wall with rooflights installed to the side and rear roof pitches.
Officer: Ms Emily Stainer
Recommendation: Refused

6/2021/1172/LAWP

Context		
Application Description	Certificate of lawfulness for the demolition of the historical rear two storey extension, and erection of a two storey rear extension projecting off the original rear wall with rooflights installed to the side and rear roof pitches.	
Relevant planning History	<p>Application Number: E6/1960/0738/ Decision: Granted Decision Date: 05 August 1960 Proposal: Erection of New Farmhouse.</p> <p>Application Number: S6/1990/0272/FP Decision: Granted Decision Date: 07 May 1990 Proposal: Two storey rear extension and single storey rear conservatory</p> <p>Application Number: S6/2008/0310/FP Decision: Granted Decision Date: 10 April 2008 Proposal: Erection of single storey rear extension</p>	
The main issues are:		
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		
	Yes / No	To be PD
Have permitted development rights been removed?	N	N
Is the property a dwellinghouse?	Y	Y
Is it detached?	Y	
Is it semi-detached or terraced?	N	
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	N – 3m Y – two storey	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	
(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 – 3m	
(ii) Be less than or equal to 4 metres in height	N – two storey	
Have any representations been received from adjoining premises	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 being enlarged which is opposite the rear wall of that dwellinghouse	N – 3m 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	N	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	N N N	N

and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	Y – see below	
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
(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	N	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	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.	Y	Y
Discussion		
<p>Class A.1 (k) (iv) says that Class A does not apply if the works consist of or include an alteration to any part of the roof of the dwellinghouse. Whilst it is often interpreted that non-compliance with A.1(k)(iv) does not prevent the whole of the extension from being permitted development, it does require the extension to the roof to be assessed against Classes B and/or C of Part 1, Schedule 2. The Technical Guidance Document (2019) supports this view, stating that <i>“When considering whether a development proposal is permitted development, all of the relevant Parts of the Order and all the Classes within those Parts need to be taken into account.”</i> Class B permitted development rights relate to <i>‘the enlargement of a house consisting of an addition or alteration to its roof’</i>. Therefore, as the proposed two storey rear extension would enlarge the roof of the existing dwelling, it is considered Class B is also relevant in the determination of this element of the application. Furthermore, rooflights are proposed in the roof slope, so Class C will apply. These are discussed in more detail below.</p>		
2. 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	N	N

only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)?		
(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
<p>The application dwelling is detached and the main roof of the dwelling has not been extended as the existing two storey rear extension has a flat roof. Following the demolition of this extension as part of this application, it is considered that the property would be returned to its original form. The two storey rear extension would increase the roof space. Calculation below:</p> <p>$3m (d) \times 2.5m (h) \times 9.1m (w) \times \frac{1}{2} = 34.125m^3$</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	N
(f) is the dwellinghouse on article 2(3) land (conservation area)	N	N
B.2 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	<u>N</u> Y Y <u>N</u>	
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.		
3. 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		

	Yes / No	To be PD
Have permitted development rights been removed?	N	N
Is the property a dwellinghouse?	Y	Y
(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?	N	N
Development not permitted by Class C		
(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;	N	N
(c) would it result in the highest part of the alteration being higher than the highest part of the original roof; or	N	N
(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.	N N	N
Conditions		
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.	<u>N</u>	Y
Discussion and Conclusion		
<p><u>Side Windows/Rooflights</u></p> <p>Three upper floor rooflights and a recessed dormer are proposed in the roof slope of the property. The conditions and limitations under Class A, B and C refer to upper floor side windows, noting that <i>“any window inserted/located on a wall or roof slope forming a side elevation of the dwellinghouse”</i> must be obscure glazed and 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. The supporting information does not indicate if the proposed rooflights/side windows would be obscure glazed or fixed, nor does it demonstrate how high above the floor level they would be. In the absence of this information it is not considered the proposed windows would comply with the conditions and limitations of Schedule 2, Part 1, Class A.3 (b) (i) or (ii), Class B.2 (c) (i) or (ii) and Class C.2 (a) or (b) of the General Permitted Development Order 2015 (as amended).</p> <p>Furthermore, the information submitted does not detail if the proposed materials of the extension and alterations would match the existing property under Schedule 2, Part 1, Class A, A.3(a) or Part 1, Class B, B.2 (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. The proposal is therefore not permitted development and planning permission will be required. On this basis the application is recommended for refusal.</p>		

Reasons for Refusal:

1. Insufficient information has been provided to demonstrate that the proposed development complies with Schedule 2, Part 1, Class A, A.3(a) or Part 1, Class B, B.2 (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

2. Insufficient information has been provided to demonstrate that the proposed development complies with the conditions and limitations of Schedule 2, Part 1, Class A.3 (b) (i) or (ii), Class B.2 (c) (i) or (ii) and Class C.2 (a) or (b) of the General Permitted Development Order 2015 (as amended).

REFUSED DRAWING NUMBERS

3.

Plan Number	Revision Number	Details	Received Date
OS Location plan		OS Location plan	12 April 2021
SI-000		Existing block plan	12 April 2021
SI-001		Proposed block plan	12 April 2021
SK-000		Existing floor plans	16 April 2021
SK-001		Existing elevations	16 April 2021
SK-002		Existing sections	16 April 2021
SK-003		Proposed demolition works - floor	16 April 2021
SK-004		Proposed demolition works - elevations	16 April 2021
SK-006		Proposed second floor and roof plans	16 April 2021
SK-007		Proposed elevations	16 April 2021
SK-008		Proposed sections	16 April 2021
SK-005	A	Proposed floor plans	4 May 2021

Determined By:

Mr William Myers
25 June 2021