

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

DELEGATED APPLICATION

Application No: 6/2021/2126/PN8
Location: 35 Northaw Road East Cuffley Potters Bar EN6 4LU
Proposal: Prior approval for the erection of a single storey rear extension measuring 8m in depth, 3.804m in height and 3.674m to the eaves
Officer: Ms Emily Stainer

Recommendation: Refused

6/2021/2126/PN8

Context	
Application Description	<p>Prior approval for the erection of a single storey rear extension measuring 8m in depth, 3.804m in height and 3.674m to the eaves.</p> <p>A site visit was not made by the case officer due to the restrictions in place as a result of the Coronavirus pandemic (COVID-19). However, a suitable level of information has been acquired in which to make a full and thorough assessment by use of the case officer's photographs taken from the streetscene under a previous application earlier in the year, photographs provided by the applicant and imagery online. The specific merits of this case means that a full and complete assessment can be made in respect of this particular application</p>
Relevant planning History	<p>Application Number: S6/1975/0142/ Decision: Refused Decision Date: 07 May 1975 Proposal: Loft conversion</p> <p>Application Number: S6/2004/0848/FP Decision: Refused Decision Date: 06 September 2004 Proposal: Change of use from residential dwelling house to part day nursery, part residential dwelling</p> <p>Application Number: 6/2021/0631/PN27 Decision: Prior Approval Required and Granted Decision Date: 21 April 2021 Proposal: Prior approval for the construction of an additional storey to facilitate the enlargement of the dwellinghouse to a maximum of approximately 9.607m in height</p> <p>Application Number: 6/2021/1453/HOUSE Decision: Granted Decision Date: 05 July 2021 Proposal: Erection of a single storey side extension, insertion of new windows/doors on side and rear elevation and rear rooflight following the demolition of the side garage</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); Development not permitted by Class A	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 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	Y – 8m	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)	Y	
(i) (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 – 8m	
(ii) (ii) Be less than or equal to 4 metres in height	Y	
Have any representations been received from adjoining premises	N	
(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	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	<u>Y – see below</u>	N
(j) would the enlarged part of the dwellinghouse extend beyond a wall forming a	N	N

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		
(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 and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	<u>Y - see below</u>	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
(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,	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;	N/A	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	N/A	Y
Discussion		
<u><i>Eaves height</i></u>		
Development is not permitted under Schedule 2, Part 1, Class A.1 (i) of the General Permitted Development Order 2015, as amended (GPDO) if the enlarged part of the dwellinghouse would be within 2m of the boundary of the curtilage with the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3m.		
The Householder Technical Guidance document (September 2019) states that for the purpose of measuring height, the eaves of a house are the point where the lowest point of a roof slope, or a flat roof, meets the outside wall. The height of the eaves will be measured from the ground level at the base of the outside wall of the extension to the point where the external wall would meet the upper surface of the roof slope. Parapet walls and overhanging parts of eaves should not be included in any calculation of eaves height.		

The proposed rear elevation drawing indicates the boundary of the site in red, which is located approximately 1.6m away from the flank wall of the proposed extension and the boundary with 33 Northaw Road East. The submitted floor plans also show that at its closest point, the extension would be approximately 1.3m away from the boundary with 33 Northaw Road East. The eaves height is described on the application form as being 3.67m above ground floor level, with the total height of the extension measuring 3.8m. At its highest section of ground, the external wall of the existing property would meet the upper surface of the roof slope at approximately 3.2m above ground level (as indicated on the side elevations). As such, 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.

Conclusion

The height of the eaves (taken from the upper surface of the flat roof) of the proposed extension would exceed 3m in height and the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage. The proposal therefore fails to comply with Schedule 2, Part 1, Class A.1 (i), of the General Permitted Development Order 2015 (as amended).

Reasons for Refusal:

1. The height of the eaves (taken from the upper surface of the flat roof) of the proposed extension would exceed 3m in height and the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage. The proposal therefore fails to comply with Schedule 2, Part 1, Class A.1 (i), of the General Permitted Development Order 2015 (as amended).

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
A100		Location And Site Plans	14 July 2021
A101		Existing And Proposed Block Plans	14 July 2021
A102		Existing Plans	14 July 2021
A105		Proposed floor Plans	14 July 2021
A106		Proposed section and side elevation	14 July 2021
A107		Proposed elevations	14 July 2021

Determined By:

Mr Mark Peacock
17 August 2021