

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

DELEGATED APPLICATION

Application No: 6/2022/0229/PN8
Location: 14A Park Road Northaw Potters Bar EN6 4NU
Proposal: Prior approval for the erection of a single storey rear extension
 5.3m in depth, 3m to the eaves and 3m in height
Officer: Ms Kirsty Shirley

Recommendation: Refused

6/2022/0229/PN8

Context		
Application Description	Prior approval for the erection of a single storey rear extension.	
Relevant planning History	Application Number: E6/1958/0347/ Decision: Granted Decision Date: 17 April 1958 Proposal: Site for two detached bungalows.	
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?	N	
Is it semi-detached or terraced?	Y	
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	Y –	N

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	PN8	
(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	
(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	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)	Y – see below	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	N	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	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	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.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:-	N/A	Y

(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;		
(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
<p><u>Discussion</u></p> <p>The development is not permitted under Schedule 2, Part 1, Class A.1 (j) (iii) of the General Permitted Development Order 2015, as amended (GPDO) would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse. Amendments to the Town and Country Planning (General Permitted Development) Order (GPDO) 2015 came into force on the 6th April 2017 and included an amendment to Part 1 Class A of Schedule 2. After paragraph A.1 (j), the following part has been inserted '<i>(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 paragraph (e) to (j)</i>'. Therefore, where a proposed extension would be joined to an existing extension, some limitations and conditions apply to only the proposed extension, whereas other limitations and conditions apply to the combined structure.</p> <p>In this instance, as the proposed extension is considered to join to an existing extension, it is important to firstly assess the proposed extension and then subsequently, the combined structure. When assessing only the proposed extension, it is noted that this would meet with the relevant limits and conditions of A.1 (a) to (j), however, when assessing the proposed extension and existing extensions as a combined structure in line with the amendments to Class A of the GPDO 2015, the proposal would fail to comply with A.1 (ja).</p> <p>The Permitted Development Rights for Householders Technical Guidance Document (Sept 2019) states that where a new extension is joined to an existing extension, under paragraph (ja) the limits in (j) apply to the size of the total enlargement (being the proposed enlargement together with the existing enlargement). The Council's records do not indicate any historic planning applications and the property appears to largely remain in its original form, albeit benefitting from a single storey side extension. The single storey side extension therefore appears to be a later addition to the original dwelling. The proposed rear extension would be adjoined to this side extension and together the extensions would have a width greater than half the width of the original dwellinghouse. Thus, the proposal is not permitted development and planning permission will be required for the proposed development.</p> <p>Furthermore, insufficient information has been provided to demonstrate that the proposed development complies with Schedule 2, Part 1, Class A, A.3(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.</p>		

Reasons for Refusal:

1. The total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) would exceed the limits set out in paragraph A.1 (j) (iii) and therefore the proposal fails to comply with paragraph A.1 (ja) of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015.

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

REFUSED DRAWING NUMBERS

3.

Plan Number	Revision Number	Details	Received Date
		Site Location Plan	1 February 2022
		Proposed block plan	8 February 2022

Determined By:

Mr Mark Peacock
8 March 2022