

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

DELEGATED APPLICATION

Application No: 6/2022/1248/LAWP
Location: Manor Cottage Vineyards Road Northaw Potters Bar EN6 4PQ
Proposal: Certificate of Lawfulness for the erection of a single storey side extension
Officer: Ms Kirsty Shirley

Recommendation: Refused

6/2022/1248/LAWP

Context	
Application Description	<p>Certificate of lawfulness for the erection of a single storey side extension.</p> <p>Comments have been received from residents regarding this Lawful Development Certificate. By virtue of a Lawful Development Certificate application, an assessment is made regarding whether the proposed development meets the relevant criteria stipulated in the General Permitted Development Order (as amended) (2015) and therefore comments are not considered as part of the assessment process of these applications.</p>
Relevant Planning History	<p>Application Number: E6/1957/1479/ Decision: Granted Decision Date: 23 January 1958 Proposal: Extension to bungalow.</p> <p>Application Number: E6/1958/0396/ Decision: Granted Decision Date: 17 April 1958 Proposal: Temporary site for caravan.</p> <p>Application Number: E6/1968/0856/ Decision: Refused Decision Date: 13 June 1968 Proposal: Extension to form living room, 4 bedroom and bathroom.</p> <p>Application Number: E6/1969/0499/ Decision: Granted Decision Date: 27 March 1969 Proposal: Extension to bungalow.</p> <p>Application Number: S6/2009/1131/FP Decision: Refused Decision Date: 04 September 2009 Proposal: ERECTION OF TWO STOREY SIDE EXTENSION AND NEW FRONT GABLE TO ROOF</p>

Application Number: 6/2017/2646/PN8
Decision: Prior Approval Refused
Decision Date: 22 December 2017
Proposal: Prior approval for the erection of a single storey rear extension measuring 8m in depth, 2.8m in height and 2.541m to the eaves.

Application Number: 6/2017/2664/LAWP
Decision: Refused
Decision Date: 15 January 2018
Proposal: Certificate of Lawfulness for the erection of 2x single storey side extensions, erection of outbuilding and the installation of dormer widow

Application Number: 6/2018/0048/PN8
Decision: Prior Approval Required and Refused
Decision Date: 15 February 2018
Proposal: Prior approval for the erection of a single storey rear extension measuring 8 in depth, 2.843m in height and 2.543m to the eaves

Application Number: 6/2018/0297/LAWP
Decision: Refused
Decision Date: 11 April 2018
Proposal: Certificate of lawfulness for the erection of two single storey side extensions and an outbuilding

Application Number: 6/2018/0713/PN8
Decision: Prior Approval Not Required
Decision Date: 19 April 2018
Proposal: Prior approval for the erection of a single storey rear extension measuring 8m in depth, 2.441m in height and 2.280 to the eaves

Application Number: 6/2018/1107/LAWP
Decision: Refused
Decision Date: 21 June 2018
Proposal: Certificate of lawfulness for the erection of side extension and outbuilding

Application Number: 6/2018/1666/LAWP
Decision: Granted
Decision Date: 04 September 2018
Proposal: Erection of single storey side extension

Application Number: 6/2018/1967/LAWP
Decision: Refused
Decision Date: 05 October 2018

Application Number: 6/2020/1980/HOUSE
Decision: Refused
Decision Date: 09 November 2020
Proposal: New entrance gate and driveway

Application Number: 6/2020/2587/PN27
Decision: Prior Approval Required and Refused
Decision Date: 01 December 2020

<p>Proposal: Prior approval for the construction of an additional storey to facilitate the enlargement of the dwellinghouse to a maximum of approximately 8.986m in height.</p> <p>Application Number: 6/2020/3347/PN27 Decision: Prior Approval Required and Granted Decision Date: 05 February 2021 Proposal: Prior approval for an additional storey on the existing property</p> <p>Application Number: 6/2021/0022/LAWP Decision: Refused Decision Date: 18 February 2021 Proposal: Certificate of lawfulness for erection of gates and supporting piers</p> <p>Application Number: 6/2021/0004/HOUSE Decision: Refused Decision Date: 09 March 2021 Proposal: Construction of new access and crossover.</p> <p>Application Number: 6/2021/1791/VAR Decision: Refused Decision Date: 18 November 2021 Proposal: Variation of condition 4 (approved plans) on planning permission 6/2019/1813/FULL</p> <p>Application Number: 6/2021/1973/FULL Decision: Refused Decision Date: 02 February 2022 Proposal: Erection of replacement residential dwelling following the demolition of existing</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 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	N	N

exceed the height of the highest part of the roof of the existing dwellinghouse		
(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	Y	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	N
until 30th May 2019		
(g) is the development outside of article 2(3) land (conservation area) or outside of a site of special scientific interest	N/A	N/A
(g) cont_ would it have a single storey (previous extensions to the rear need to be taken into account)	N/A	
(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	N/A	N/A
(ii) Be less than or equal to 4 metres in height	N/A	N/A
Have any representations been received from adjoining premises	N/A	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 opposite the rear wall of the dwellinghouse	N/A	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/A	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 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/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
A.3 Development is permitted by Class A subject to the following conditions:-	N	Y

(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		
(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	N
(c) would, where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part, so far as practicable, be the same as the roof pitch of the original dwellinghouse	N/A	N
Discussion		
<p>The Permitted development rights for householders Technical Guidance advises the extent to which an elevation of a house fronts a highway will depend on factors such as:</p> <p>(i) the angle between the elevation of the house and the highway. If that angle is more than 45 degrees, then the elevation will not normally be considered as fronting a highway;</p> <p>(ii) the distance between the house and the highway - in cases where that distance is substantial, it is unlikely that a building can be said to front the highway. The same may be true where there is a significant intervening area of land in different ownership or use between the boundary of the curtilage of the house concerned and the highway.</p> <p>The proposed flank elevation of the side extension would directly face Vineyards Road. Furthermore, the flank elevation of the extension would be approximately 20m from Vineyards Road, an insubstantial distance from Vineyards Road with no significant intervening area of land in different ownership or use between the boundary of the curtilage of the application dwelling and Vineyards Road.</p> <p>The proposed development would therefore extend beyond a wall which fronts a highway and forms a side elevation of the original dwellinghouse, failing to meet the criteria of Schedule 2, Part 1, Class A (e) (ii) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.</p>		
Conclusion		
<p>The proposed side extension would not meet the criteria of Schedule 2, Part 1, Class A (e) (ii) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.</p>		

DRAWING NUMBERS

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

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

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Determined By:

Ms Becky Rousell
18 July 2022