

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

DELEGATED APPLICATION

Application No: 6/2022/1796/LAWP
Location: 118 Campion Road Hatfield Hertfordshire AL10 9FT
Proposal: Certificate of Lawful Development for the conversion of garage into kitchen and removal of garage shutters, and infill with brick and new window. Replace of the existing first floor window with a Juliet balcony.
Officer: Mrs Kerrie Charles

Recommendation: Refused

6/2022/1796/LAWP

Context	
Application Description	This application is for a Certificate of Lawful Development for the conversion of garage into kitchen and removal of garage shutters, and infill with brick and new window. Replace of the existing first floor window with a Juliet balcony.
Relevant planning History	<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> <p>Condition 14 requires that garages are retained and Condition 16 removes permitted development rights:</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no development falling within Classes A, B, D or F of Part 1 or Classes A or B of Part 2 to Schedule 2 to that Order shall be carried out without the prior written permission of the Local Planning Authority, granted on application.</p> <p>Application number: S6/2001/1338/FP Decision date: 28 March 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>Condition 13 requires that garages are retained and Condition 15 removes permitted development rights:</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no development falling within Classes A, B, D or F of Part 1 or Classes A or B of Part 2 to Schedule 2 to that Order shall be carried out without the prior written permission of the Local Planning Authority, granted on application.</p>

	<p>Application Number: S6/1999/1115/OP Decision: Approval Subject to s106 Decision Date: 30 April 2002 Proposal: Residential development (outline) including access to public highway</p> <p>Condition 13 requires that garages are retained:</p> <p>The details to be submitted in accordance with Condition 1 of this permission shall include the provision of car parking spaces or garages for all dwellings to accord with the standards in November 1999 Supplementary Planning Guidance for the site, unless the Local Planning Authority otherwise agrees in writing, and the parking spaces and garages provided shall be retained for that purpose thereafter.</p> <p>REASON To ensure adequate off-street parking is provided, in the interests of highway safety.</p>
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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	Y – As above	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 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
(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)		
(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	
(ii) Be less than or equal to 4 metres in height	Y	
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/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	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	
(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
(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	TBC	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;	-	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	-	Y

roof pitch of the original dwellinghouse.		
Discussion		
Permitted developments rights have been removed for this property and they are required to retain the existing use of the garage.		
Conclusion		
The proposed works are NOT 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 by virtue of permitted developments rights being removed for this dwelling.		

Reasons for Refusal:

1. The proposed works are NOT 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 by virtue of permitted developments rights being removed for this dwelling.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
		Location Plan	1 August 2022
2		Proposed floor plan	2 August 2022
3		Existing elevations	2 August 2022
4		Proposed elevations	2 August 2022
1		Existing floor plan	2 August 2022

Determined By:

Mr Mark Peacock
19 August 2022