

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

DELEGATED APPLICATION

Application No: 6/2022/2215/LAWP
Location: 41 Firs Wood Close Northaw Potters Bar Hertfordshire EN6 4BY
Proposal: Certificate of lawfulness for the installation of rear dormer, insertion of two rooflights to the front roof slope and one rooflight to the rear roof slope, alterations to fenestration and replacement of portico
Officer: Ms Kirsty Shirley

Recommendation: Refused

6/2022/2215/LAWP

Context		
Application Description	Certificate of lawfulness for the installation of rear dormer, insertion of two rooflights to the front roof slope and one rooflight to the rear roof slope, alterations to fenestration and replacement of portico.	
Relevant planning History	<p>Application Number: S6/1987/0171/FP Decision: Approval Subject to s106 Decision Date: 31 October 1987 Proposal: Change of use of existing racing association headquarters to residential comprising conversion and extensions to form 38 dwellings with associated car parking and access, and erection of one detached house with garage at Hook Kennels, Northaw, Herts.</p> <p>Application Number: S6/1995/0387/FP Decision: Granted Decision Date: 12 April 1995 Proposal: Erection of one detached dwelling house (Revision to planning permission S6/0171/87/FP)</p>	
<p>The main issues are:</p> <p>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</p>		
	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 only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)?	N	N
(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
<i>Calculation in here</i> $3.4 \times 2.8 \times 2.1 / 2 = 10$		
(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
(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		
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.		

The main issues are:		
Whether the proposed works (front rooflights) 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
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

(c) would it result in the highest part of the alteration being higher than the highest part of the original roof; or	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
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.	N/A

The main issues are:		
Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class D (porches) 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, PA or Q of Part 3	N	N
Development not permitted by Class D		
(b) the ground area (measured externally) of the structure would exceed 3 square metres	Y	N
(c) any part of the structure would be more than 3 metres above ground level or	Y	N
(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway	N	N
Conclusion		
The proposed portico would exceed 3 square metres in ground area when measured externally and would exceed 3 metres in height above ground level. The proposal therefore fails to comply with Schedule 2, Part 1, Class D (b) and (c) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.		
A certificate of lawfulness for the proposed works should therefore be refused.		

Reasons for Refusal:

1. The proposal fails to comply with Schedule 2, Part 1, Class D (b) and (c) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by virtue of the proposed portico exceeding 3 square metres in ground area when measured externally and exceeding 3 metres in height above ground level.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
1015-EX-02-00	P1	Existing ground floor plan	26 September 2022
1015-EX-02-01	P1	Existing first floor plan	26 September 2022
1015-EX-02-02	P1	Existing 2nd floor/loft plan	26 September 2022
1015-EX-02-03	P1	Existing roof plan	26 September 2022
1015-EX-03-01	P1	Existing front and side elevations	26 September 2022
1015-EX-03-02	P1	Existing rear and side elevations	26 September 2022
1015-PR-02-02	P1	Proposed 2nd floor/loft plan	26 September 2022
1015-PR-02-01	P1	Proposed first floor plan	26 September 2022
1015-PR-02-00	P1	Proposed ground floor plan	26 September 2022
1015-PR-03-02	P1	Proposed rear and side elevations	26 September 2022
1015-PR-03-01	P1	Proposed front and side elevations	26 September 2022
1015PR-02-03	P1	Proposed roof plan	26 September 2022
1015-PR-VU-01		Proposed 3D Visual	26 September 2022
1015-EX-01-00	P2	Site and block plan	27 September 2022

Determined By:

Mr Mark Peacock
10 November 2022