

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

DELEGATED APPLICATION

Application No: 6/2020/3229/LAWP
Location: 111 Eddington Crescent Welwyn Garden City AL7 4SX
Proposal: Lawful development certificate for the creation of a loft conversion with installation of 2 x front velux windows
Officer: Ms Louise Sahlke

Recommendation: Refused

6/2020/3229/LAWP

Context		
Application Description	The application site is a two storey semi-detached dwelling house. The applicant seeks a certificate of lawfulness for a loft conversion with insertion of two front rooflights and removal of chimney.	
Relevant planning History	Relevant Planning Application Application Number: C6/1988/0482/OP Decision: Approval Subject to s106 Decision Date: 29 September 2003 Proposal: Site for residential development on site of squash club and former secondary school	
The main issues are:		
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		
	Yes / No	To be PD
Have permitted development rights been removed	Y	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:-	N-19.3 cubic	N

(i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case	metres	
<i>3.3 metres x 2.6 metres x 4.5 metres = 38.6 m³ / 2 = 19.3 m³</i>		
(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	Y Y N/A	
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).	N/A	
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.	N/A	
Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended?		
	Yes/No	To be PD
C.1 (a) Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P or Q of Part 3;	N/A	N
(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	N
(c) would it result in the highest part of the alteration being higher than the highest part of the original roof; or	N	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/A	N

C.2 (a) 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	Y
Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended?		
	Yes/No	To be PD
G.1 (a) Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P or Q of Part 3;	N/A	N
(b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or	N	N
(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which— (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the dwellinghouse.	N	N
Conclusion		
The proposed works are NOT permitted development by virtue of Schedule 2, Part 1, Classes B, C and G of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended, as the Permitted Development Rights were removed under Planning Permission application reference C6/1988/0482/OP Condition 5 for the original development.		

Reasons for Refusal:

- The proposed works are NOT permitted development by virtue of Schedule 2, Part 1, Classes B, C and G of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended, as the Permitted Development Rights were removed under Planning Permission application reference C6/1988/0482/OP Condition 5 for the original development.

REFUSED DRAWING NUMBERS

- | Plan Number | Revision Number | Details | Received Date |
|---------------|-----------------|----------------------|-----------------|
| EC-R00-EX-101 | | Location Plan | 2 December 2020 |
| EC-R00-PR-103 | | Proposed Elevations | 2 December 2020 |
| EC-R00-EX-102 | | Existing Floor Plans | 2 December 2020 |
| EC-R00- | | Proposed Floor Plans | 2 December 2020 |

PR-102

EC-R00-
PR-104

Proposed Roof Plan/Section

2 December 2020

EC-R00-
EX-103

Existing Elevations

2 December 2020

Determined By:

Mr Jonathan Murray
25 January 2021