

**WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT**  
**DELEGATED REPORT**

**APPLICATION No: N6/2014/988/LUP**

**SITE ADDRESS: 39 Sherrardspark Road, Welwyn Garden City**

**DESCRIPTION OF DEVELOPMENT: Certificate of lawfulness for proposed garage conversion to habitable accommodation**

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**RECOMMENDATION: CERTIFICATE APPROVAL**

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**DESCRIPTION OF PROPOSAL:**

The application seeks a certificate of lawfulness for a proposed garage conversion to habitable accommodation.

The works to the garage will be completed internally, subdividing the garage to provide a general storage room. No external alterations are proposed to the front elevation as the existing garage door will be retained in its current position.

**SITE DESIGNATION:**

The site lies within Welwyn Garden City and within a Conservation Area as designated in the Welwyn Hatfield District Plan 2005.

**PLANNING HISTORY:**

N6/1998/0890/FP - Installation of front and rear dormer windows. Approved 4 January 1999.

**REPRESENTATIONS: N/A**

**ANALYSIS:**

**The main issues are:**

- 1. Whether the proposed works constitute development under Section 55(2)(a) of the Town and Country Planning Act 1990**

The existing garage is attached to the main dwelling by a small front and rear extension that link the two with an internal hallway. The insertion of an internal door and installation of a partition form part of the proposal. The garage will, as a result, be subdivided to provide for a motorcycle store to the front and general storage to the rear of the garage with a shower room attached. The existing front garage door will remain in position. There are no external alterations that would result in the considerations of the proposal under the terms of Class A (enlargement, improvement or other alterations) or Class E (outbuildings) of Schedule 2, Part 1 of The Town and Country (General Permitted Development) Order 1995 as amended.

Section 55(2)(a) of the Town and Country Planning Act 1990 states that “the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or  
(ii) do not materially affect the external appearance of the building”  
“shall not be taken for the purposes of this Act to involve development of the land”.  
Accordingly, the works to the interior of the garage and the insertion of a door in an area of the building not viewable from a public place do not represent development under the Act.

Section 55(2)(d) states that “the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such” also does not represent development. Accordingly the use of the outbuilding for general storage as opposed to parking of a motor vehicle is not a material change of use.

Accordingly, a certificate of lawful use can be granted for the physical works to the building and for its use as a motorcycle store/general storage and shower room.

**CONCLUSION**

**RECOMMENDATION**

The proposal does not constitute development under Section 55(2) of the Town and Country Planning Act 1990 and therefore the certificate is approved, subject to the following condition and informative:

**Conditions**

1. In accordance with approved plans and drawings:  
Drawing Nos. 001 Rev. A & 100 Rev. B received and dated 29 April 2014.

**Informatives**

1. The applicant is advised that as the property is within the Estate Management Scheme enforced by Welwyn Hatfield Borough Council that any alterations to the external appearance of the dwellinghouse may require consent under this scheme.

**Signature of author..... Date.....**