

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

APPLICATION No: N6/2014/1105/LUP

SITE ADDRESS: 60 Brockswood Lane, Welwyn Garden City

DESCRIPTION OF DEVELOPMENT: Certificate of lawfulness for the proposed erection of rear conservatory

RECOMMENDATION: Certificate of lawfulness approved

DESCRIPTION OF PROPOSAL: The application seeks a certificate of lawfulness for the erection of a single storey rear extension

PLANNING HISTORY:

N6/1994/0221/FP - Erection of two storey rear extension, demolition of existing garage and erection of replacement garage – 23/05/1994

W6/1994/5100/EM - Erection of two storey rear extension, demolition of existing garage and erection of replacement garage - Approved 23/05/1994

ANALYSIS:

The main issues are:

- 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) Order 1995 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?		
Is it semi-detached or terraced?	Y	
Is it within a conservation area		
Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class IA or MB of Part 3 (refer SI 2014 564)	N	N
Development not permitted by Class A		
(a) would 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) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)	N	N
(b) 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
(c) would the height of the eaves of the part of the dwellinghouse	N	N

enlarged, improved or altered exceed the height of the eaves of the existing dwellinghouse		
(d) would the enlarged part of the dwellinghouse extend beyond a wall which:- (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse	N	N
(e) would the enlarged part of the dwellinghouse 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
(f) 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	N
(g) 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	Building is less than 2m from the boundary of the curtilage and measures 2.2m in height	N
(h) 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
(i) 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 1(5) 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	N
(b) the enlarged part of the dwellinghouse would extend beyond a wall	N	N

forming a side elevation of the original dwellinghouse;		
(c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse	N	N
A.3 Development is permitted by Class A subject to the following conditions:-	Y	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	Y
(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	Y

RECOMMENDATION

The proposal **complies** with Schedule 2, Part 1, Class A of The Town and Country (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, subject to the following conditions and informatives:

Conditions

1. The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
2. Any upper-floor window located in 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.
3. Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.
4. C.13.2 – In accordance with approved plans and drawings: 1:1250 Site Location Plan & DF011398B-001 received and dated 16 May 2014 & DF011398B-002 Rev A received and dated 25 June 2014.

Informatives

1. 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) shall not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).
2. The height of the part of the dwellinghouse enlarged, improved or altered shall not exceed the height of the highest part of the roof of the existing dwellinghouse.

3. The height of the eaves of the part of the dwellinghouse enlarged, improved or altered shall not exceed the height of the eaves of the existing dwellinghouse.
4. The enlarged part of the dwellinghouse shall not extend beyond a wall which (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse.
5. The enlarged part of the dwellinghouse shall have a single storey **and** not (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;
6. The enlarged part of the dwellinghouse shall not have more than one storey **and** not (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.
7. Where the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, the height of the eaves of the enlarged part shall not exceed 3 metres.
8. The enlarged part of the dwellinghouse shall not extend beyond a wall forming a side elevation of the original dwellinghouse, **and** not (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,
9. The development shall not 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 comprise (iv) an alteration to any part of the roof of the dwellinghouse.
10. In the case of a dwellinghouse on conservation area (article 1(5)) land, development is not permitted by Class A 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; (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or (c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

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