

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

DELEGATED APPLICATION

Application No: 6/2021/3225/LAWP
Location: 55 Wheatley Road Welwyn Garden City AL7 3LH
Proposal: Certificate of lawfulness for the erection of rear facing dormer and insertion of 2 x front facing roof lights, to facilitate the conversion of existing loft space and the erection of a detached garden room.
Officer: Mrs Kerrie Charles

Recommendation: Granted

6/2021/3225/LAWP

Context		
Application Description	This application is a Certificate of lawfulness for the erection of rear facing dormer and insertion of 2 x front facing roof lights, to facilitate the conversion of existing loft space and the erection of a detached garden room.	
Relevant planning History	Planning Application Number: E6/1950/0998/ Decision: No Information Decision Date: 31 December 1950 Proposal: Sewers and drains. Application Number: E/1962/0806/ Decision: Granted Decision Date: 03 July 1962 Proposal: Residential development	
The main issues are:		
Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Classes B, C and E 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	N	N
Is the property a dwellinghouse	Y	Y
Is it detached or semi-detached?	Y-Semi - detached	
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	N	N

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		
<i>Height: 2.7m x Depth: 3.2m x Length: 5.8m /2 = 25.06</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		
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.		
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	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	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	Y
Development not permitted		

E.1 Development is not permitted by Class E if—		
(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
(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (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) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;	N	N
(d) the building would have more than a single storey;		N
(e) the height of the building, enclosure or container would exceed— (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or (iii) 3 metres in any other case;	N	N
(f) the height of the eaves of the building would exceed 2.5 metres;	N	N
(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;	N	N
(h) it would include the construction or provision of a verandah, balcony or raised platform;	N	N
(i) it relates to a dwelling or a microwave antenna; or	N	N
(j) the capacity of the container would exceed 3,500 litres.	N	N
E.2 deliberately excluded		
E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.	N	N
Conclusion		
The proposed works are permitted development by virtue of Schedule 2, Part 1, Classes B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.		

Conditions:

1. The proposed works are permitted development by virtue of Schedule 2, Part 1, Classes B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

DRAWING NUMBERS

2. The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
5406-OS2		Block Plan	11 November 2021
5406-OS1		Location Plan	11 November 2021
5406-P01		Proposed Plans and	11 November 2021

	Elevations	
5406-Garden Room	Proposed Plans and Elevations	11 November 2021
5406-E01	Existing Plans and Elevations	11 November 2021

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

Determined By:

C.Neal

Mr Chris Neal
10 January 2022