

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01038/LDCP	Two storey rear extension following demolition of existing rear elements.	21 Danesbury Park Road Welwyn Hertfordshire AL6 9SH

Submitted Plan Nos

Location Plan 13770/100 PR 13770/101 Rev A 13770/103 OS

1.0 Policies

2.0 **Site History**

- 2.1 01/00286/1HH - First floor extension to store and single storey and first floor extension to partly built games room to facilitate change of use to self contained residential annex (as amended by drawing no 03100/1A received 7.6.01) – Conditional Permission
- 2.2 79/01114/1 - Erection of single storey rear extension to garage for sauna. – Conditional Permission
- 2.3 78/01184/1 - Two storey side extension, front entrance porch and detached double garage with formation of new access. – Conditional Permission

3.0 **Representations**

- 3.1 No consultation required.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 No. 21 comprises a detached dwelling off Danesbury Park Road, Welwyn.
- 4.1.2 The permitted development rights appear to be retained.

4.2 **Proposal**

- 4.2.1 A Certificate of Lawfulness (proposed) is sought for the erection of a two-storey rear extension following demolition of existing rear elements.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are whether the proposed development would require a specific planning permission or be considered 'permitted development' in line with the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1

- 4.3.2 A. The enlargement, improvement or other alteration of a dwellinghouse.

- A.1 Development is not permitted by Class A if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

The proposed development is compliant with this criterion.

- (b) 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) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposed development is compliant with this criterion.

- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The proposed development is compliant with this criterion.

- (d) **the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

As shown on the rear elevation drawing, the proposed development would exceed the height of the eaves of the main dwellinghouse, and would therefore not comply with this criterion.

- (e) the enlarged part of the dwellinghouse would extend beyond a wall which—
(i) forms the principal elevation of the original dwellinghouse; or
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The proposed development is compliant with this criterion.

- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would 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/A - The proposed development is two storeys in height.

- (g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—
(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;

N/A

- (h) the enlarged part of the dwellinghouse would have more than a single 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;

The original principal elevation of the dwelling, as shown by plans on 78/01184/1 presented towards the junction where The Avenue meets Danesbury Park Road. The extension would therefore comprise a rear extension. Its depth is approximately 3m and would therefore comply with this criterion. It would sit approximately 12-13m from the boundary opposite the rear wall of the dwellinghouse. This criterion is complied with.

- (i) the enlarged part of the dwellinghouse would 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;

N/A – The development is not within 2 metres of the boundary.

- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
(i) exceed 4 metres in height,
(ii) have more than a single storey, or

- (iii) have a width greater than half the width of the original dwellinghouse; or

N/A – The development is for a rear extension.

- (k) it would consist of or include—
 - (i) the construction or provision of a verandah, 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/A

A.2 In the case of a dwellinghouse on article 2(3) 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 a single storey and extend beyond the rear wall of the original dwellinghouse.

N/A - The application site is not set on article 2(3) land.

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposed development is compliant with this condition.

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must 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; and

N/A

- (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

he extension proposed a crown roof with pitches leading up to it. It appears that the crown was chosen to achieve a suitable internal head height. As the development seeks pitched roofs to the sides of the crown, I consider this criterion is met.

4.4 Conclusion

- 4.4.1 A Certificate of Lawfulness (proposed) cannot be issued on the basis that the eaves of the proposed two storey rear extension would exceed the height of the eaves of the existing dwellinghouse and therefore fail to constitute permitted development by reason a non-compliance with Criterion (d), of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. It is therefore recommended that a Certificate of Lawfulness be **REFUSED**.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 19 June 2026	