



Appeal Decisions

Site visit made on 25 October 2022

by Richard S Jones BA(Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2022

Appeal A Ref: APP/C1950/C/21/3285021

Appeal B Ref: APP/C1950/C/21/3285031

Land situated at and known as 21 Oaklands Avenue, Brookmans Park, Hatfield, AL9 7UH

- Appeal A is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Chris Parsons against an enforcement notice issued by Welwyn Hatfield Council.
 - Appeal B is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mrs Parsons against an enforcement notice issued by Welwyn Hatfield Council
 - The notice was issued on 24 September 2021.
 - The breach of planning control as alleged in the notice is the erection of dormer roof extension, without planning permission.
 - The requirements of the notice are to:
 - (i) Remove the rear box dormer roof extension, north side facing rectangle window and roof lights from the front roof slope as shown on the attached photographs and return roof to its original hipped form.
 - (ii) Immediately following compliance with requirement (i), fit tiles on the front and rear roof slopes to match the profile and colour of those tiles that currently exist on the front facing roof slope.
 - (iii) Remove from the land all materials, debris, plant and equipment associated with requirements (i) and (ii).
 - The period for compliance with the requirements is six calendar months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
 - Appeal B is proceeding on the grounds set out in section 174(2) (c), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act have lapsed.
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Decisions

Appeals A and B

1. The appeals are allowed and the enforcement notice is quashed.

Appeals A and B on Ground (c)

2. For the appeals to succeed on ground (c), the onus is on the appellants to demonstrate, on the balance of probabilities, that the erection of the dormer roof extension to the detached appeal dwellinghouse is not in breach of planning control.

3. The appellants explain that the house originally had a hipped roof and that has been altered to form a gable roof with rear dormer.
4. Article 3 and Schedule 2, Part 1, Class B of the GPDO¹ grant planning permission for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to limitations and conditions. Paragraph B.1(d)(ii) states that development is not permitted by Class B if the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres. In this case, the original roof space is the cubic content of the pre-existing hipped roof.
5. The Council's case is that the dormer exceeds the 50 cubic metre Class B limitation and therefore requires planning permission. However, the appellant has provided calculations which evidence that the net increase from the hip to gable alterations and the addition of a rear dormer is 48.41 cubic metres. I have no evidence from the Council which challenges those calculations. Moreover, the Council identify no other Class B limitation breaches and neither do I.
6. Therefore, on the balance of probabilities, the rear dormer (and the hip to gable extensions) are permitted development under Schedule 2, Part 1, Class B of the GPDO and so are granted planning permission by Article 3 of the same, subject to the conditions set out under paragraph B.2.
7. The appeals on ground (c) succeed.

Conclusion

8. For the reasons given above, I conclude that the appeals should succeed on ground (c). The enforcement notice will be quashed.
9. In these circumstances, Appeal A on grounds (a), (f) and (g) and Appeal B on grounds (f) and (g), do not fall to be considered.

Richard S Jones

INSPECTOR

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/C1950/C/21/3285021	Mr Chris Parsons
Appeal B	APP/C1950/C/21/3285031	Mrs Parsons