

A1619

S6/2010/1121/14

The Planning Inspectorate

Further information on us and the planning appeal system can be found on our website www.planning-inspectorate.gov.uk

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(Date received)

22-Jul-2010 19:14

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT APPEAL (Online Version)

Please note that there is no time limit in which to make this appeal.

APPEAL REFERENCE:

APP/C1950/X/10/2133094

A. APPELLANT DETAILS

Name Mr Luciano Capaldo

Address
51 Kentish Lane
Brookmans Park
HATFIELD
Hertfordshire

Phone no.

Fax no

Postcode AL9 6NG

E-mail

Please confirm how you wish to correspond with us: Electronically, via the email address specified above

On paper, by post.

B. AGENT DETAILS (IF ANY) FOR THE APPEAL

Name

Address

Your reference

Phone no.

Fax no

Postcode

E-mail

Please confirm how you wish to correspond with us: Electronically, via the email address specified above

On paper, by post.

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of local planning authority (LPA) Welwyn Hatfield Council

Date of application to LPA 27 May 2010

Application Reference
number

s6/2010/1121/14

Date of decision (if any) 12 Jul 2010

D. APPEAL SITE ADDRESS

Address of site (please give full address)

51 Kentish Lane
Brookmans Park
HATFIELD
Hertfordshire

Postcode AL9 6NG

Grid Reference: Easting 05262712

Northing 02047520

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? YES NO

E. DETAILS OF THE APPEAL

I appeal under section 195(1) of the Town and Country Planning Act 1990 (as amended), against:

The decision of the LPA refusing/refusing in part to grant a certificate of lawful use or development, **OR**

The LPA's failure to give notice of their decision within the appropriate period on an application for a certificate of lawful use or development.

Give a precise description of the proposed or existing use, operation or activity as outlined in the application in respect of which a certificate is sought (*Continue on a separate sheet if necessary*)

The proposal is to raise the height of the side extension comprising of the reading room and two ensuite bathrooms by a further 1.14 metres to be in line with the height of the roof of the original dwelling house

State whether the application was made under section 191 or 192? 191 192

In the case of a proposal, had it been started before the application to the LPA was made? YES NO

Actual use of site at the time of application to the LPA (If not in use, write 'nil' and state last known use)

Residential living

F. APPEAL STATEMENT

This should be a clear and concise statement of your full case and the reason(s) why you consider the subject of the application to be lawful.

(Please note that the planning merits of what has been applied for are not relevant in deciding an application or an appeal; it rests entirely on the facts involved in each case).

Please continue on a separate sheet if necessary.

The refusal of Application no. S6_2010_1121_LU is the result of a typing mistake in the calculation of the Volume. The officer in charge of the case in her report states, correctly, that the height of the side extension roof is to be raised by 1.14m but in the calculation of the volume she considers 1.24 m. I have tried to explain to the officer and the head of planning that perhaps they could rectify without wasting anymore time and public money but the answer (verbally as I never received a reply to my letter and emails) has

Continued in Section M

G. CHOICE OF PROCEDURE

There are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1. THE WRITTEN REPRESENTATIONS PROCEDURE

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions or changes of use).

Please answer the questions below.

- a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? YES NO
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES NO

If so, please explain below or on a separate sheet.

2. THE HEARING PROCEDURE

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure.

Please answer the question below.

- a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. YES NO

3. THE INQUIRY PROCEDURE

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar, as the parties to the appeal will usually be legally represented and expert witnesses may be called to give evidence. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure.

Please answer the questions below.

- a) How long do you estimate the inquiry will last? No. of days
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)
- b) How many witnesses do you intend to call? No. of witnesses
- c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. YES NO
Please continue on a separate sheet if necessary.

H. OTHER APPEALS

Have you made any other appeals to the Secretary of State on this, or nearby land, for example, against a refusal of planning permission? YES : NO

If yes, please give details, including our reference number, if known.

I. SUPPORTING DOCUMENTS

Please enclose with the appeal form a copy of each of the following documents and tick the appropriate box for each document.

-
- 1 The application made to the LPA;
 - 2 Each of the plans, drawings and documents sent to the LPA as part of the application they considered;
 - 2i List of plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
 - 3 The LPA's decision (if any);
 - 4 All other relevant correspondence with the LPA;
 - 5 A plan showing the site marked in red, in relation to two named roads (preferably on an extract from the relevant 1:10,000 Ordnance Survey map);
 - 6 Copies of any additional plans, drawings and documents sent to the LPA, but which did not form part of the original application (e.g. drawings for illustrative purposes).
 - 6i A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.

J. CHECK SIGN AND DATE

Please tick ✓

- I have filled in all parts of the form ✓
- I have attached all supporting documents ticked in section 6 ✓
- I have clearly marked the relevant plans ✓
- I have sent a copy of this form and any documents to the LPA ✓

Date 22 July 2010

Name (in capitals) Mr Luciano Capaldo

On behalf of (if applicable)

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

K. NOW SEND

- 1 COPY to the LPA

- 1 COPY for you to keep

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

WHEN WE RECEIVE YOUR APPEAL

We will:

- 1) Tell you if it is valid and who is dealing with it.
- 2) Tell you and the LPA the procedure for your appeal.
- 3) Tell you the timetable for sending further information or representations.
- 4) Tell you about the arrangements for the site visit, hearing or inquiry.
- 5) At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

YOU MUST KEEP TO THE TIMETABLE

If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will be sent back to you.

L. APPEAL DOCUMENTS

Please remember that any supporting documentation needs to be received by us within the appropriate deadline for the case type.

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please ensure that anything you do send by post is clearly marked with the reference number :

APP/C1950/X/10/2133094

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*****
* The Documents Listed Below Were Uploaded With The Appeal Form *
*****
===== SUPPORTING DOCUMENTS =====
TITLE:      01. The application made to the LPA.
DESCRIPTION: Application
FILENAME:    Application.pdf

TITLE:      02. Copies of all plans, drawings and documents sent to the LPA as part of
the application. The plans and drawings should show all boundaries and
coloured markings given on those sent to the LPA. Please number them
clearly and list the numbers here or
DESCRIPTION: existing & prop ground floor
FILENAME:    002 EX GF - LC.pdf

TITLE:      02. Copies of all plans, drawings and documents sent to the LPA as part of
the application. The plans and drawings should show all boundaries and
coloured markings given on those sent to the LPA. Please number them
clearly and list the numbers here or
DESCRIPTION: Ex +prop 1st floor
FILENAME:    003 EX FF - LC.pdf

TITLE:      02. Copies of all plans, drawings and documents sent to the LPA as part of
the application. The plans and drawings should show all boundaries and
coloured markings given on those sent to the LPA. Please number them
clearly and list the numbers here or
DESCRIPTION: ex elevation
FILENAME:    004 EX ELEV2 - RevA - LC.pdf

TITLE:      02. Copies of all plans, drawings and documents sent to the LPA as part of
the application. The plans and drawings should show all boundaries and
coloured markings given on those sent to the LPA. Please number them
clearly and list the numbers here or
DESCRIPTION: ex-prop elevation
FILENAME:    006 PR ELEV - RevA - LC.pdf

TITLE:      02. Copies of all plans, drawings and documents sent to the LPA as part of
the application. The plans and drawings should show all boundaries and
coloured markings given on those sent to the LPA. Please number them
clearly and list the numbers here or
DESCRIPTION: ex section
FILENAME:    005 EX SEC - RevA - LC.pdf

TITLE:      02. Copies of all plans, drawings and documents sent to the LPA as part of
the application. The plans and drawings should show all boundaries and
coloured markings given on those sent to the LPA. Please number them
clearly and list the numbers here or
DESCRIPTION: prop section
FILENAME:    007 PR SEC- RevA - LC.pdf

TITLE:      02. Copies of all plans, drawings and documents sent to the LPA as part of
the application. The plans and drawings should show all boundaries and
coloured markings given on those sent to the LPA. Please number them
clearly and list the numbers here or
DESCRIPTION: plan
FILENAME:    001 EX OS SITE MAP2 - RevA - LC.pdf

TITLE:      02i. A list of all plans, drawings and documents (stating drawing numbers)
submitted with the application to the LPA.
DESCRIPTION: List of Drawings
FILENAME:    List of drawing submitted with application S6.doc
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Continued in Section M

M. SUPPLEMENTARY SHEET

Appeal Statement (continued)

always been that I need to appeal.

M. SUPPLEMENTARY SHEET

Appeal Documents (continued)

TITLE: 04. All other relevant correspondence with the LPA.
DESCRIPTION: Letter to Officer
FILENAME: WHC210101121LU.pdf

TITLE: 04. All other relevant correspondence with the LPA.
DESCRIPTION: Email to Head of Planning
FILENAME: Email To Head of Planning.doc

TITLE: 05. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site.
DESCRIPTION: Site plan
FILENAME: 001 EX OS SITE MAP2 - RevA - LC.pdf

TITLE: 06. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
DESCRIPTION: volume Calculation
FILENAME: Volume Calculation.pdf