



TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 AND 192
(as amended by section 10 of the Planning and Compensation Act 1991)
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995
ARTICLE 24
CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

PLANNING DECISION NOTICE – REFUSAL
For Planning Application No. S6/2011/1999/LUP

AGENTS NAME AND ADDRESS

APPLICANTS NAME AND ADDRESS

Mr P Nicholas
Building Design Consultants
47 Deer Park Way
WALTHAM ABBEY
Essex
EN9 3YN

Mr & Mrs M Vignali
45 Kentish Lane
Brookmans Park
HATFIELD
AL9 6NG

The Welwyn Hatfield Council hereby **REFUSE** to certify that on the 20/09/2011 the development described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and shown edged red on the plan attached to this certificate was not lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

1. The proposed development fails to comply the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Schedule 2, Part 1:

- Class A (f) by virtue of the proposed extension on the north eastern side elevation in combination with the basement is more than one storey in height and measures more than 4 metres from the rear wall of the existing garage (original dwelling),
- Class A (h) by virtue of the proposed side extension in combination with the basement being more than 4 metres in height, having more than one storey and the proposed side extension having a width greater than half the width of the original dwellinghouse when considered in combination with the proposed rear extension which will effectively create a 'wrap around' extension,
- Class B (c) by virtue of the additional volume of the roofspace exceeding 50m³ upon the roofspace of the original dwelling.

2. Evidence has not been put before the Council which suggests that the parcel of land to the rear which accommodates the stable block, as outlined in red on the Site Location Plan (1:1250), can be considered as part of the residential curtilage. Whilst the stables have appeared to cease use, the two parcels of land in question remain defined by existing boundary treatments and it is considered that the parcel of land to the rear does not constitute part of the residential curtilage. Therefore, the proposed extension and conversion of the existing stable block to a double garage cannot be considered under permitted development.

FIRST SCHEDULE: Erection of two storey rear extension, single storey side and rear extension, loft conversion, garage conversion, basement, swimming pool and new garage

SECOND SCHEDULE: 45 Kentish Lane Brookmans Park HATFIELD Hertfordshire AL9 6NG



Tracy Harvey
Head of Development Control

Date: 3-11-2011

Refused Plan Numbers:

Site Location Plan (1:1250) & 11015/10 & 10015/3 & 11015/8 received and dated 8th September 2011

GENERAL NOTE

1. This decision notice should be read in conjunction with the case officer's report if the applicant wishes to have an explanation of the reasons for this decision. The applicant is also advised to read the technical guidance entitled 'Permitted development for householders' produced in August 2010 by Department for Communities and Local Government which gives an explanation of the rules on permitted development for householders.

REFUSAL TO ISSUE

2. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse to issue a Certificate of Lawful Development in whole or in part, (including modifying or substituting the description of the application of the use, operations or other matter in question then the applicant may appeal to the Secretary of State for the Community of Local Government, in accordance with Section 195 and 196 of the Town and Country Planning Act 1995 (as amended by the Planning and Compensation Act, 1991).

3. Appeals must be made on a form which is available from The Planning Inspectorate, 4/11 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Telephone 0117 372 6372, Fax 0117 987 8782) or at www.planning-inspectorate.gov.uk