

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 (Development Management Procedure) (England)  
Order 2010 (DMPO)

ARTICLE 24

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

**PLANNING DECISION NOTICE – APPROVAL  
For Planning Application No. S6/2014/0442/LUP**

**Agent Name and Address**

Mr C Anatolitis  
Anatolitis Associates  
Meadowcroft  
28 Manor Road  
Potters Bar  
EN6 1DQ

**Applicant Name and Address**

Mr & Mrs Argyrou  
The Lodge  
2 Northaw Place  
Coopers Lane  
Northaw  
Potters Bar  
EN6 4NQ

**First Schedule: Proposed conversion of garage to habital accomodation**

**Second Schedule: The Lodge, 2 Northaw Place, Coopers Lane Northaw Potters Bar  
EN6 4NQ**

The Welwyn Hatfield Council hereby certify that on 04/03/2014 the operations/development described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:-

The proposal complies with Schedule 2, Part 1, Class A of The Town and Country (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, subject to the following conditions and informatives:

**CONDITIONS:**

1. The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
2. Any upper-floor window located in 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.
3. Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.
4. The development shall be carried out in accordance with the details provided in the application, PL 399-1 received and dated 10 March 2014 unless the Local Planning Authority otherwise agree in writing.

**INFORMATIVES:**

1. 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) shall not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

2. The height of the part of the dwellinghouse enlarged, improved or altered shall not exceed the height of the highest part of the roof of the existing dwellinghouse.

3. The height of the eaves of the part of the dwellinghouse enlarged, improved or altered shall not exceed the height of the eaves of the existing dwellinghouse.

4. The enlarged part of the dwellinghouse shall not extend beyond a wall which (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse.

5. The enlarged part of the dwellinghouse shall have a single storey and not (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.

6. The enlarged part of the dwellinghouse shall not have more than one storey and not (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.

7. Where the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, the height of the eaves of the enlarged part shall not exceed 3 metres.

8. The enlarged part of the dwellinghouse shall not extend beyond a wall forming a side elevation of the original dwellinghouse, and not (i) exceed 4 metres in height, (ii) have more than one storey, or (iii) have a width greater than half the width of the original dwellinghouse.

9. The development shall not consist of or include (i) the construction or provision of a veranda, 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 comprise (iv) an alteration to any part of the roof of the dwellinghouse.

10. In the case of a dwellinghouse on conservation area (article 1(5)) 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 one storey and extend beyond the rear wall of the original dwellinghouse.

11. Given that this dwelling was an original building ancillary to the use of the Grade II\* listed Northaw Place at the time of the listing, it is curtilage listed, and therefore listed building consent would be required prior to the commencement of this development.

**Date: 30/04/2014**



Tracy Harvey  
Head of Planning

**NOTES:**

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended)
2. It certifies that the operation/development specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the operation/development described in the First Schedule and to the

land specified in the Second Schedule and identified on the attached plan. Any operation/development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation/development is only conclusively presumed where there has been no material change, before the use is instituted or the operation/development began, in any of the matters relevant to determining such lawfulness.