

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. S6/2014/2447/LUP**

**Agent Name and Address**

Mr P Symonds  
PNA  
The Old Reading Room  
32 High Road  
Essendon  
AL9 6HW

**Applicant Name and Address**

Mr Cooper  
8 Carbone Hill  
Northaw  
EN6 4PL

**First Schedule: Certificate of lawfulness for the proposed erection of a single storey side and two storey rear extension**

**Second Schedule: 8 Carbone Hill Northaw Potters Bar EN6 4PL**

Welwyn Hatfield Borough Council hereby certify that on 04/11/2014 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 and Consequential Provisions) (England) Order 2014 and **prior approval is not required**. The following conditions are applicable to the development<sup>1</sup>:

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.

REASON: In order to comply with A.3 (a) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

2. The development shall be carried out in accordance with the details provided in the application, 732/LP1A & 732/LP1 & PD01 & PD02 & 732/SP3 & 732/SP1 received and dated 05 November 2014 unless the Local Planning Authority otherwise agree in writing.

3. The development hereby permitted shall be completed on or before the 30th May 2016.

4. The developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

**INFORMATIVES**

Development is not permitted by Class A where –

1. The property is not a dwellinghouse.

<sup>1</sup> Conditions may only be attached where they reasonably relate to the impact of the development on the amenity of adjoining premises.

2. Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 (refer SI 2014 564).

3. 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) exceeds 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

4. 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.

5. 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.

6. The enlarged part of the dwellinghouse would extend beyond a wall which:-

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the original dwellinghouse.

7. The enlarged part of the dwellinghouse would have more than one 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.

8. 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.

9. The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and:-

(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.

10. It would 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

(iv) an alteration to any part of the roof of the dwellinghouse.

11. In the case of a dwellinghouse on conservation area (article 1(5)) land, development is not permitted 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;

(c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

**Date: 09/12/2014**



Colin Haigh  
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.