

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>N6/2009/0008/LU</b>
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**NOTATION:**

The site lies within the Green Belt as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The application site is a cottage on an irregular shaped plot along Well Road, Northaw. Spinney Cottage is a Grade II Listed building.

**DESCRIPTION OF PROPOSAL:**

The application is for a proposed single storey outbuilding approximately 2.5 metres in height, 10 metres in width and 3 metres in depth.

**PLANNING HISTORY:**

S6/1983/0736/LB - Two storey side extension and alterations - Granted

S6/1983/0768/FP - Two storey side extension – Granted

S6/1988/0021/FP - New pitched roof to existing double garage - Refused

S6/1988/0524/FP - New pitched roof to existing garage - Granted

S6/1988/0669/FP - Single storey front extension to form a porch and erection of detached garden store – Granted

S6/1988/0670/LB - Single storey front extension to form a porch and erection of detached garden store - Granted

**DISCUSSION:**

The main issues are:

**Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class E of 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 E of the Order states that the provision within the curtilage of the dwellinghouse of any building required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure, is permitted development unless any of the following apply:

- (a) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed



50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

- (b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (c) the building would have more than one storey;
- (d) the height of the building, enclosure or container would exceed—
  - (i) 4 metres in the case of a building with a dual-pitched roof,
  - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
  - (iii) 3 metres in any other case;
- (e) the height of the eaves of the building would exceed 2.5 metres;
- (f) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (g) it would include the construction or provision of a veranda, balcony or raised platform;
- (h) it relates to a dwelling or a microwave antenna; or
- (i) the capacity of the container would exceed 3,500 litres.

The site is fairly large and, despite there being three existing structures on the site, the new outbuilding would not result in more than 50% of the curtilage being covered. The development would not be situated on land forward of a wall forming the principal elevation, which is considered to be that which partially faces Well Road and contains the property's front entrance. The building will be single storey. The structure will be within 2 metres of the rear boundary of the curtilage of the dwelling house, but will not exceed 2.5 metres in height. It follows that neither will the eaves exceed 2.5 metres in height. The development does not include construction or provision of a veranda, balcony or raised platform or relate to a microwave antenna.

The building therefore appears to comply with the relevant size and siting requirements. However, it is located within the curtilage of a listed building, and therefore falls foul of subsection (f).

#### **CONCLUSION:**

The proposal is not considered to adhere to the terms of Schedule 2, Part 1, Class E (f) of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

#### **RECOMMENDATION**

The proposed works do not comply with the provisions of Schedule 2, Part 1, Class E (f) of the Town and Country Planning (General Permitted Development) Order 1995 as amended. It is therefore recommended that a Certificate of Lawfulness be REFUSED.



**DRAWING NUMBERS:**

Site location plan, block plan and drawing P3018./01, received and dated stamped 5<sup>th</sup> January 2009.

**Signature of author.....**      **Date.....**