

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2009/1178/LU
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NOTATION:

The site lies within the settlement of Cuffley as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application dwelling is a detached house within the settlement of Cuffley. The application plot slopes downwards to the rear. The rear boundary of the plot backs onto the side boundary of a of a neighbouring dwelling. Beyond the southern flank boundary a footpath and access road that serves a separate development.

DESCRIPTION OF PROPOSAL:

The erection of an outbuilding to the rear of the site. The proposed outbuilding would measure 11.2m in width by 4.3m in depth with a pitched roof to a maximum height of 4m. The proposed roof would have 4 slopes and a ridge length of 7m. The proposed eaves height would has been dimensioned to be 2.4m at the top of the gutter.

PLANNING HISTORY:

S6/1986/0028/FP – Single storey rear extension, two storey side and rear extension and loft conversion – Approved

S6/1997/0823/FP – Erection of detached garage – Refused

S6/2004/0973/FP – Extension of roof – Approved

DISCUSSION:

Class E – The Outbuilding

Class E of the GDPO states that the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such 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

The proposed outbuilding would be sited close to the boundaries of the dwellings plot and have a maximum height of 4m. Due to the proposal being approximately 0.5m from the northern flank boundary and 0.4m from the southern flank boundary and eastern rear boundary, the proposal would not meet this requirement.

- (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 outbuilding is proposed to be used as a gym, sun room and store, which would be considered incidental to the use of the main dwelling. The application site has a relatively large garden area that would be retained and so the building does not result in more than 50% of the curtilage being covered. The building is not situated on land forward of a wall forming the principal elevation, and has only one storey. The proposed building has a ridged, pitched roof and is within two metres of a boundary, so the maximum height permitted would be 2.5 metres. However, when measured from ground level, the building would be a maximum of 4 metres in height, and so falls foul of this part of the Order. The height of the eaves is less than 2.5 metres. The dwelling is not a listed building and the structure does not include the construction of a veranda, balcony or raised platform; neither does it consist of a dwelling or microwave antenna.

CONCLUSION:

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

RECOMMENDATION

The proposed outbuilding do not comply with the provisions 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. It is therefore recommended that a Certificate of Lawfulness be REFUSED for this development.

INFORMATIVES

None.

DRAWING NUMBERS: ELA/3 REV. 01 & ELA/6 & ELA/9 REV.01 and dated 06 July 2009.

Signature of author.....

Date.....



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. S6/2009/1178/LU

AGENTS NAME AND ADDRESS ADDRESS

APPLICANTS NAME AND

Mr K Ellerbeck
69 Northaw Road East
Cuffley
Herts
EN64LY

The Welwyn Hatfield Council hereby **REFUSE** to certify that on the 06/07/2009 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:-

The proposed outbuilding would be sited within 2m of the rear and side boundaries of the dwellings curtilage and would have a roof exceeding 2.5m in height. Therefore, the proposed outbuilding does not comply with the provisions 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.

FIRST SCHEDULE:

Erection of single storey building for use as gym sun room and store

SECOND SCHEDULE:

69 Northaw Road East, Cuffley, Herts, EN6 4LY

Tracy Harvey
Head of Development Control

Date: 13 August 2009

Refused Plan Numbers: ELA/3 REV. 01 & ELA/6 & ELA/9 REV.01 and dated 06 July 2009.

GENERAL NOTE

1. If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.

REFUSAL TO ISSUE A LAWFUL DEVELOPMENT CERTIFICATE

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 1990 (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.planninginspectorate.gov.uk)