

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

<b>APPLICATION No:</b>	<b>S6/2011/1624/LUP</b>
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**NOTATION:**

The site lies within the Metropolitan Green Belt and Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The site is situated on the highway and entry is via Wells Farm Cottage. The dwelling is surrounded by agricultural

**DESCRIPTION OF PROPOSAL:** Certificate of Lawfulness for the proposed erection of detached garage/playroom and extension to existing driveway to form access to building

**PLANNING HISTORY:**

S6/2000/0503/FP - Erection of a Double Garage, refused 30<sup>th</sup> May 2000.

S6/1994/0513/LU – Certificate of lawfulness, occupation of dwelling house without compliance with condition 4 of planning permission S6/0004/78.(occupation of house restricted to horticultural worker), granted, 26<sup>th</sup> September 1994

S6/1980/0761/ - Double garage, refused 22<sup>nd</sup> January 1981

S6/1978/0004 – Replacement house, granted 26<sup>th</sup> January 1978

**SUMMARY OF DEVELOPMENT PLAN POLICIES: N/A**

**CONSULTATIONS: N/A**

**TOWN/PARISH COUNCIL COMMENTS: N/A**

**REPRESENTATIONS: N/A**

**DISCUSSION:**

The main issues are:

- 1. Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class E & F 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**

**Class E**

## **Permitted Development**

**E.** The provision within the curtilage of the dwellinghouse of:-

(a) any building or enclosure, swimming or other pool 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; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas

## **Development not permitted**

**E.1** Development is not permitted by Class E if:-

(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);

*Not applicable*

(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;

*Not applicable*

(c) the building would have more than one storey

*Not applicable*

(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;

The height of the building is less than 4 metres and is more than 2 metres away from the boundary.

(e) the height of the eaves of the building would exceed 2.5 metres;

The height of the eaves is 2.5metres

(f) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

*Not applicable*

(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.

*Not applicable*

**E.2** In the case of any land within the curtilage of the dwellinghouse which is within:-

- (a) a World Heritage Site,
- (b) a National Park,
- (c) an area of outstanding natural beauty, or
- (d) the Broads

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

*Not applicable*

**E.3** In the case of any land within the curtilage of the dwellinghouse which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

*Not applicable*

### **Interpretation of Class E**

**E.4** For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

## **Class F**

### **Permitted development**

**F.** Development consisting of—

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (b) the replacement in whole or in part of such a surface.

### **Conditions**

**F.1** Development is permitted by Class F subject to the condition that where—

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

*Hardsurfacing is surrounded by soft landscaping areas and thus run-off water will be channelled to a porous surface.*

**CONCLUSION:**

The proposed development complies with Schedule 2, Part 1, Class E & F 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 **APPROVED** for this development.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

The proposed development complies with Schedule 2, Part 1, Class E & F 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.

**DRAWING NUMBERS:**

02/122/11 & 01/122/11 & 03/122/11A received and dated 11<sup>th</sup> August 2011.

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

**Date**.....