

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/1670/LUP
------------------------	-------------------------

NOTATION:

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

DESCRIPTION OF SITE:

The application site comprises of a large detached dwellinghouse with an adjoining annexe set within a well landscaped, large residential plot. The application site has two vehicular access points, one off Carbone Hill and one on the corner of Carbone Hill with The Ridgeway.

DESCRIPTION OF PROPOSAL:

The proposal is for a swimming pool enclosure measuring a maximum 3.95m in height, 26.3m in length and 15m in width. In addition to the swimming pool the proposal will also incorporate a fitness room, treatment room, separate male and female changing rooms, steam room, sauna, plant room, garden store and wet room.

PLANNING HISTORY:

S6/1975/0119/ - New front porch and alterations to cottage. Granted 7th May 1975

S6/2001/0789/FP – erection of first floor conservatory, and glazed link at ground floor level to adjoining cottage. Granted 6th August 2011

S6/2003/0424/FP – Demolition of existing garage and outhouse and the erection of a replacement garage, car port, swimming pool, pool room with gallery, alteration to front boundary to provide 1.5m security gates and wall with access to refuse store. Refused 13th October 2004

S6/2004/1427/FP – Demolition of existing garage and erection of single storey side and rear extension, new boundary gates with entrance and exit. Refused 8th February 2005

SUMMARY OF DEVELOPMENT PLAN POLICIES:

Not applicable

CONSULTATIONS

Not applicable

TOWN/PARISH COUNCIL COMMENTS

Not applicable

REPRESENTATIONS

Not applicable

DISCUSSION:

The main issues are:

1. 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

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

The proposal is for a swimming pool enclosure in the rear garden. The existing dwellinghouse is currently being refurbished internally but at the time of the site visit on 6th September 2011 there was no existing swimming pool within the existing dwelling or the adjoining annexe. Therefore the proposal is considered incidental to the existing dwellinghouse.

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);

As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse would not exceed 50% of the total area of the curtilage

(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;

The proposal is not situated forward of the principal elevation of the original dwellinghouse

(c) the building would have more than one storey

The proposal is single 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;

The proposal has a dual pitched roof and does not exceed 4 metres in height and the proposal is not within 2 metres of the boundary of the curtilage of the dwellinghouse

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

The proposal includes a parapet wall around the building. The Communities and Local Government's 'Permitted development for householders: Technical Guidance' states on page 11, 'Eaves height is measured from the ground level at the base of the outside wall to where that wall would meet the upper surface of the flat roof – the overhang and the parapet wall should be ignored for the purposes of measurement'.

The outbuilding proposed varies in height measuring 3.3m to the front elevation and 3.95m to the rear elevation due to the lie of the land. The CLG Technical Guidance states on page 6, 'references to height (for example, the heights of the eaves on a house extension) is the height measured from ground level. Ground level is the surface of the ground immediately adjacent to the building in question. Where ground level is not uniform (e.g. if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building'. In this case, the measurement of the eaves height should be taken from the front elevation which is the highest point. The eaves height is shown to measure 2.5m in height.

- (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;

Not applicable

- (h) it relates to a dwelling or a microwave antenna; or

Not applicable

- (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.

CONCLUSION:

The proposed development complies with 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 **APPROVED** for this development.

RECOMMENDATION:

The proposed development complies with 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.

DRAWING NUMBERS:

AT355-01 & AT355-13 & AT355-12 & AT355-11 & AT355-10 received and dated 17th August 2011

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