

GPDO

Class E

**WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT  
DELEGATED REPORT**

**APPLICATION No:** S6/2014/0753/LUP

**SITE ADDRESS:** The Lodge, Northaw Place, Coopers Lane, Potters Bar

**DESCRIPTION OF DEVELOPMENT:** Certificate of lawfulness for the erection of a detached outbuilding

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**RECOMMENDATION:** REFUSAL

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**DESCRIPTION OF PROPOSAL:**

The application seeks a certificate of lawfulness for erection of a detached outbuilding to be used as a garage

**PLANNING HISTORY:**

S6/2014/0442/LUP - Certificate of lawfulness for the proposed conversion of garage to habitable accommodation – Approved 30/04/2014

**REPRESENTATIONS:**

None

**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**

	<b>Yes / No</b>	To be PD
Is the property a dwellinghouse	<b>Y</b>	Y
Have permitted development rights been removed	<b>N</b>	N
Is it within a conservation area		
Is the proposed use incidental to the use of the dwellinghouse	<b>Y</b>	Y
Has permission to use the dwellinghouse as a dwellinghouse been granted	<b>N</b>	N

only by virtue of Class IA or MB of Part 3 (refer SI 2014 564)		
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 <sup>1</sup> 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.	<b>N</b>	<b>N</b>
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);	<b>N</b>	<b>N</b>
(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;	<b>N</b>	<b>N</b>
(c) the building would have more than one storey;	<b>N</b>	<b>N</b>
(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;	<b>N</b>	<b>N</b>
(e) the height of the eaves of the building would exceed 2.5 metres;	<b>N</b>	<b>N</b>
(f) the building, enclosure, pool or container would be situated within the curtilage of a listed building;	<b>Y</b>	<b>N</b>
(g) it would include the construction or provision of a veranda, balcony or raised platform;	<b>N</b>	<b>N</b>
(h) it relates to a dwelling or a microwave antenna; or	<b>N</b>	<b>N</b>
(i) the capacity of the container would exceed 3,500 litres.	<b>N</b>	<b>N</b>

<sup>1</sup> "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

E.2 deliberately excluded		
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.	N	N

**CONCLUSION:**

The proposed detached garage would be situated within the curtilage of a listed building; Northaw Place. The application site is curtilage listed as the Lodge was an original building ancillary to the use of the Grade II\* listed Northaw Place at the time of the listing. Therefore the proposed erection of a detached outbuilding fails to comply with part E.1 (f) of the permitted development requirements and as such, planning permission would be required for its construction.

**RECOMMENDATION:**

The proposal fails to comply with Schedule 2, Part 1, Class E of The Town and Country (General Permitted Development) Order 1995 (as amended) by virtue of siting on the proposed detached garage which would be situated within the curtilage of a listed building; Northaw Place, contrary to the requirements of E.1 (f).

**INFORMATIVES:**

None

**REFUSED PLAN NUMBERS:**

Site Location Plan & PL\_399-2 received and dated 28/04/2014

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