

Mr Graeme Skipper
Studio 7
Design House
Guildford Road
Bookham
KT23 4HB

Application No: 6/2021/0593/LAWP

Date of Refusal: 23 April 2021

WELWYN HATFIELD BOROUGH COUNCIL, hereby certify that on the application date, the operations/development described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate WOULD NOT have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990.

First Schedule: Certificate of lawfulness for the erection of two storey rear extension

Second Schedule: 36 Vineyards Road Northaw Potters Bar EN6 4PA

Applicant: Mr Lewis Grabban

Application Date: 25 February 2021

Refused Plans and Details:

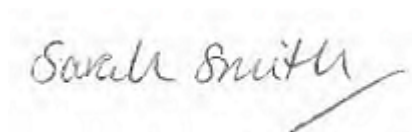
1. The proposed development would fail to satisfy the criteria at Schedule 2, Part 1, Class A.3 (a) of the General Permitted Development Order 2015 (or as amended) as insufficient details have been submitted as part of this certificate of lawfulness (proposed) to demonstrate that the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
2. The proposed development as shown on drawing number 20-13-05 would fail to satisfy the criteria at Schedule 2, Part 1, Class A.1 (i) of the General Permitted Development Order 2015 (or as amended) as the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.
3. The proposed development would fail to satisfy the criteria at Schedule 2, Part 1, Class E.1 (h) of the General Permitted Development Order 2015 (or as amended) as drawing number 20-13-05 demonstrates a terrace and steps to the rear and side of the existing dwelling which could be counted as a raised platform. No details on the height of this terrace/steps have been provided.

4. The proposed development would fail to satisfy the criteria at Schedule 2, Part 1, Class A.1 (h) of the General Permitted Development Order 2015 (or as amended) as the enlarged part of the dwellinghouse would not extend from the original dwellinghouse.
5. As such, the existing and proposed extensions being the 'total enlargement' are assessed under subparagraphs (e) to (j). As such, the total enlargement would be:
 - (f) more than one storey and exceed 4m in height;
 - (g) more than 4m in height;
 - (h) have more than one storey and extend beyond the rear wall by more than 3m; and
 - (j) would extend beyond a wall forming a side elevation and exceed 4m in height, have more than one storey and have a width greater than half the width of the original dwellinghouse.

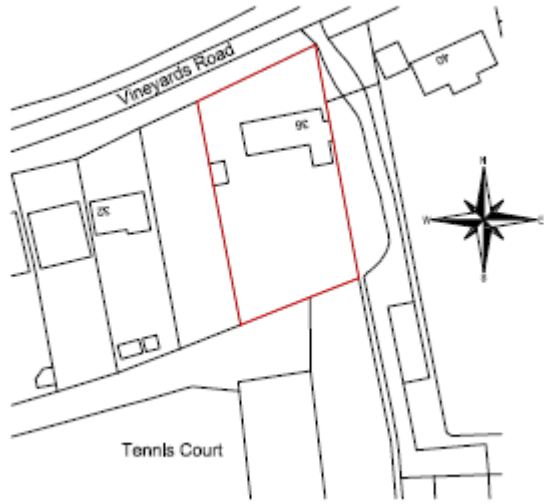
Part (ja) of Class A states that the development is not permitted under Class A where any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (f) to (j). In this instance, it is understood that the proposal would fail to comply with sub paragraphs (f), (g), (h) and (j).

REFUSED DRAWING NUMBERS

Plan Number	Revision Number	Details	Received Date
20-13-05		Proposed Site & Location Plan	24 February 2021
20-13-10		Proposed Elevations 11	1 March 2021
20-13-09		Proposed Elevations 1	24 February 2021
20-13-06		Existing Elevations	24 February 2021
20-13-04		Proposed Floor Plans	24 February 2021
20-13-07		Existing Floor Plans	24 February 2021



Sarah Smith
Development Management Service Manager



Town and Country Planning Act 1990

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990.
2. It certifies that the operation/development specified in the First Schedule taking place on the land described in the Second Schedule would not have been lawful, on the specified date and, thus would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the operation/development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation/development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation/development is only conclusively presumed where there has been no material change, before the use is instituted or the operation/development began, in any of the matters relevant to determining such lawfulness.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse permission for
- a certificate for lawful development, there is no time restriction.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.