

**WELWYN HATFIELD BOROUGH COUNCIL
DIRECTORATE OF STRATEGY AND DEVELOPMENT**

DELEGATED APPLICATION

Application No: 6/2016/1830/LAWP
Location: 9 Buttercup Close, Hatfield, AL10 9FH
Proposal: Certificate of lawfulness for the erection of a shed
Officer: Ms L Hale

Recommendation: Refused

6/2016/1830/LAWP

Context		
Application Description	Certificate of lawfulness for the erection of a shed.	
Relevant planning History	<ul style="list-style-type: none"> - 6/2015/2460/HOUSE – Single storey ear extension – Granted 17/02/2016 - S6/2003/1361/FP- Erection of garage and hardstanding – Granted 04/11/2003 - S6/2003/0926/FP – Erection of garage – Refused 11/08/2003 Reason for refusal:- 1. The erection of the additional garage would result in the loss of an unallocated car parking space that could be utilised by residents and visitors alike within the development. The site layout plan for the approved housing development specifically provided for this car parking space to be utilised by a range of motorists. This proposal will privatise the provision of the shared parking and may set an undesirable precedent throughout the development, thereby reducing vehicle parking spaces to the potential detriment of the amenity of residential occupiers and highway safety. The proposal is therefore unacceptable and compromises the parking standards as established for the residential area and as set out in the Welwyn Hatfield District Plan Alterations No. 1, 1998.	
The main issues are:		
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) (England) Order 2015 as amended		
	Yes / No	To be PD
Is the property a dwellinghouse	Y	Y
Have permitted development rights been removed	N	N
Is it within a conservation area	N	
Is the proposed use incidental to the use of the dwellinghouse	Y	Y
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 ¹ 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.	N	N
Development not permitted		
E.1 Development is not permitted by Class E if—		
(a) Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P or Q of Part 3	N	N
(b) 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);	N	N
(c) 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;	N	N
(d) the building would have more than a single storey;	N	N
(e) 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;	Y 2.65 m	N
(f) the height of the eaves of the building would exceed 2.5 metres;	Y	N
(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;	N	N
(h) it would include the construction or provision of a verandah, balcony or raised platform;	N	N
(i) it relates to a dwelling or a microwave antenna; or	N	N
(j) the capacity of the container would exceed 3,500 litres.	N	N
E.2 deliberately excluded		
E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) 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

Discussion

The proposal fails to comply with the Town and Country (General Permitted Development) (England) Order 2015 by virtue of the proposed shed with a height greater than 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse. The proposal therefore fails to comply with Schedule 2, Part 1, Class E (e) and (f).

Reasons for Refusal:

1. The proposal fails to comply with the Town and Country (General Permitted Development) (England) Order 2015 by virtue of the proposed shed with a height greater than 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse. The proposal therefore fails to comply with Schedule 2, Part 1, Class E (e) and (f).

¹ "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

2. REFUSED DRAWING NUMBERS:

Site Location Plan & Block Plan & Proposed Shed received 5th September 2016.

Determined By:

Mr A Mangham
20 October 2016