

**WELWYN HATFIELD BOROUGH COUNCIL  
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

**DELEGATED APPLICATION**

**Application No:** 6/2019/0737/LAWP  
**Location:** Just House Coopers Lane Northaw Potters Bar EN6 4NJ  
**Proposal:** Certificate of lawfulness for an outbuilding  
**Officer:** Ms Lucy Hale

**Recommendation:** Refused

6/2019/0737/LAWP

|   |   |                  |
|---|---|------------------|
| <b>Context</b>  |   |                  |
| Application Description   | Certificate of lawfulness for an outbuilding which would consist of a swimming pool, jacuzzi, bathroom, and gym area.   |                  |
| Relevant planning History   | <p>Application Number: 6/2017/2853/HOUSE<br/> Decision: Granted<br/> Decision Date: 17 May 2018<br/> Proposal: Erection of garage in front garden</p> <p>Application Number: 6/2018/0493/HOUSE<br/> Decision: Granted<br/> Decision Date: 17 May 2018<br/> Proposal: Erection of single storey side extension by converting garage area into habitable space</p> <p>Application Number: 6/2018/2216/HOUSE<br/> Decision: Granted<br/> Decision Date: 11 October 2018<br/> Proposal: Erection of first floor rear extension</p> <p>Application Number: 6/2018/2678/HOUSE<br/> Decision: Granted<br/> Decision Date: 12 February 2019<br/> Proposal: Erection of a first floor extension</p> <p>Application Number: 6/2019/0276/HOUSE<br/> Decision: Refused<br/> Decision Date: 11 April 2019<br/> Proposal: Erection of front garden dwarf wall with steel railings and electric gates and installation of two new accesses following removal of existing</p> |                  |
| <b>The main issues are:</b>   |   |                  |
| <b>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</b> |   |                  |
|   | <b>Yes /<br/>No</b>   | <b>To<br/>be</b> |

|  |   |    |
|--|---|----|
|  |   | 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  |
| <b>E. The provision within the curtilage of the dwellinghouse of—</b>  |   |    |
| (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<br>(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—<br>(i) 4 metres in the case of a building with a dual-pitched roof,<br><b>(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</b><br>(iii) 3 metres in any other case;                | Y | N  |
| <b><u>Discussion</u></b>   |   |    |
| The proposed outbuilding would measure 4 metres in height and would be located within 2 metres of the boundary of the curtilage of the dwellinghouse. The outbuilding fails to meet the requirement of e (ii) which restricts the building measuring higher than 2.5 metres within 2 metres of the boundary.                                       |   |    |
| (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  |

### **Reasons for Refusal:**

<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

1. The proposed outbuilding would exceed the limitations of E.1(e) in Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) by virtue of being situated within 2 metres of the boundary of the curtilage of the dwellinghouse and measuring more than 2.5 metres in height.

#### REFUSED DRAWING NUMBERS

2.

| <b>Plan Number</b> | <b>Revision Number</b> | <b>Details</b>                       | <b>Received Date</b> |
|--------------------|------------------------|--------------------------------------|----------------------|
| AR/A3/001          |                        | Location Plan                        | 28 March 2019        |
| AR/A3/002          |                        | Location Plan                        | 28 March 2019        |
| AR/A3/003          |                        | Proposed Site Plan                   | 28 March 2019        |
| AR/A3/004          |                        | Proposed Plans And Elevations Colour | 28 March 2019        |

#### **Determined By:**

Mr Mark Peacock  
23 May 2019