

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

DELEGATED APPLICATION

Application No: 6/2019/2228/LAWP
Location: Just House Coopers Lane Northaw Potters Bar EN6 4NJ
Proposal: Certificate of lawfulness for an outbuilding
Officer: Ms Lucy Hale

Recommendation: Refused

6/2019/2228/LAWP

Context		
Application Description	Certificate of lawfulness for an outbuilding	
Relevant planning History	Application Number: 6/2019/1297/LAWP Decision: Refused Decision Date: 09 August 2019 Proposal: Certificate of lawfulness for an outbuilding Application Number: 6/2019/0737/LAWP Decision: Refused Decision Date: 23 May 2019 Proposal: Certificate of lawfulness for an outbuilding	
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.	Y	Y
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, PA or Q of Part 3	N	N

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

(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;	Y	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;	N	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/A	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		

Reasons for Refusal:

1. The proposed outbuilding would exceed the limitations of E.1(f) in Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) by virtue of the height of eaves of the building measuring higher than 2.5 metres.
2. The proposed outbuilding would exceed the limitations of E.1(c) in Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) by virtue of the outbuilding situated on land forward of a wall forming the principal elevation of the original dwellinghouse.

REFUSED DRAWING NUMBERS

Plan Number	Revision Number	Details	Received Date
AR/A3/002		Location Plan	16 September 2019
AR/A3/004		Proposed Plans and Elevations for Swimming Pool Building - colour	16 September 2019
AR/A3/003		Proposed Site Plan	9 September 2019

Determined By:

Mr Jonathan Murray
5 November 2019