

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

**DELEGATED APPLICATION**

**Application No:** 6/2021/1106/LAWP  
**Location:** 379 St Albans Road West Hatfield AL10 9RU  
**Proposal:** Certificate of lawfulness for the erection of a new outbuilding in the rear garden  
**Officer:** Ms Lois-May Chapman

**Recommendation:** Refused

6/2021/1106/LAWP

<b>Context</b>		
Application Description	Certificate of lawfulness for the erection of a new outbuilding in the rear garden	
Relevant planning History	Ref: 6/2021/1107/HOUSE Decision Date: Proposal: Erection of a single storey rear extension, a two storey rear, front and side extension, a roof extension and insertion of a rear box dormer. Decision:	
<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 / No</b>	<b>To be PD</b>
Is the property a dwellinghouse	<b>Y</b>	<b>Y</b>
Have permitted development rights been removed	<b>N</b>	<b>N</b>
Is it within a conservation area	<b>N</b>	
Is the proposed use incidental to the use of the dwellinghouse		<b>Y</b>
<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 (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.	<b>N</b>	<b>N</b>
<b>Development not permitted</b>		
<b>E.1 Development is not permitted by Class E if—</b>		
(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	<b>N</b>	<b>N</b>
(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);	<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

(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;	<b>N</b>	N
(d) the building would have more than a single storey;	<b>N</b>	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;	<b>N</b>	N
(f) the height of the eaves of the building would exceed 2.5 metres;	<b>N</b>	N
(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;	<b>N</b>	N
(h) it would include the construction or provision of a verandah, balcony or raised platform;	<b>N</b>	N
(i) it relates to a dwelling or a microwave antenna; or	<b>N</b>	N
(j) the capacity of the container would exceed 3,500 litres.	<b>N</b>	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.	<b>N/A</b>	N
<b>Discussion</b>		
The proposed submitted plans (21/SPE/000) shows proposed works to the dwellinghouse, these works are not defined as permitted development and is currently being assessed under a separate application 6/2021/1107/HOUSE.		
Due to these works being displayed upon the submitted plans the proposed outbuilding is not permitted development.		
Conclusion		
The development do not accord with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended.		

**Determined By:**

Mr Isaac Liu  
6 July 2021