

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

DELEGATED APPLICATION

Application No: 6/2022/1252/LAWP
Location: 75 Pine Grove Hatfield AL9 7BL
Proposal: Certificate of Lawfulness for the erection of an outbuilding to accommodate a swimming pool
Officer: Mrs Kerrie Charles

Recommendation: Refused

6/2022/1252/LAWP

Context		
Application Description	This application is a Certificate of Lawful Development for a proposed outbuilding to accommodate a swimming pool.	
Relevant planning History	<p>Application Number: E6/1952/0787/ Decision: Granted Decision Date: 18 September 1952 Proposal: House & private garage</p> <p>Application Number: S6/2011/1289/FP Decision: Granted Decision Date: 22 August 2011 Proposal: Erection of two storey front and part two storey, part single storey rear extensions</p> <p>Application Number: 6/2018/2591/HOUSE Decision: Granted Decision Date: 20 December 2018 Proposal: Erection of single storey rear extension</p> <p>Application Number: 6/2019/0233/HOUSE Decision: Granted Decision Date: 01 April 2019 Proposal: Erection of a single storey front extensions to include modifications to existing porch</p>	
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	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, PA 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
(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	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 eaves of the proposed building will be more than 2.5m in height, therefore would not be permitted development.		
Conclusion		
The proposed works are NOT 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 by virtue of the proposed eaves exceeding 2.5m in height.		

Reasons for Refusal:

1. The proposed works are NOT permitted development by virtue of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development)

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

(England) Order 2015 as amended by virtue of the proposed eaves exceeding 2.5m in height.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
1171/P/020		Site Location Plan	27 May 2022
1171/LD/00 1		Proposed Site Layout	27 May 2022
1171/S/001		Existing Site Layout	27 May 2022
1171/LD/00 2		Proposed Outbuilding	27 May 2022

Determined By:

Ms Becky Rousell
5 July 2022