

**WELWYN HATFIELD BOROUGH COUNCIL
ASSISTANT DIRECTOR (PLANNING)**

DELEGATED APPLICATION

Application No: 6/2023/1252/LAWP
Location: 9 South Drive Cuffley Potters Bar EN6 4HP
Proposal: Certificate of lawfulness for the erection of swimming pool enclosure with swimming pool.
Officer: Ms Kirsty Shirley
Recommendation: Granted

6/2023/1252/LAWP

Context	
Application Description	Certificate of lawfulness for the erection of a swimming pool enclosure and swimming pool.
Relevant planning History	<p>Application Number: 6/2022/1414/HOUSE Decision: Refused Decision Date: 19 August 2022 Proposal: Insertion of two front facing dormers and two side dormers either side of the roofslope, erection of a two storey rear extension and conversion of loft into habitable space</p> <p>Application Number: 6/2022/2114/HOUSE Decision: Refused Decision Date: 28 October 2022 Proposal: Installation of side dormers and erection of a single storey rear extension with loft space converted into habitable space</p> <p>Application Number: 6/2022/2803/LAWP Decision: Granted Decision Date: 17 January 2023 Proposal: Certificate of lawfulness for the erection of two dormers on both sides of the roof</p> <p>Application Number: 6/2022/2727/LAWP Decision: Refused Decision Date: 18 January 2023 Proposal: Certificate of lawfulness for the erection of front porch</p> <p>Application Number: 6/2022/2698/HOUSE Decision: Granted Decision Date: 23 January 2023 Proposal: Erection of single storey rear extension with extension and alteration of roof from hip to gable</p> <p>Application Number: 6/2023/0200/LAWP Decision: Refused Decision Date: 13 March 2023 Proposal: Certificate of lawfulness for the erection of a porch</p>

	Application Number: 6/2023/0657/HOUSE Decision: Refused Decision Date: 19 May 2023 Proposal: Erection of the front porch
	Application Number: 6/2023/1237/LAWP Decision: Granted Decision Date: 02 August 2023 Proposal: Certificate of lawfulness for the erection of a porch

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	
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	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;	N	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		

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

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
Conclusion		
The proposed development would be permitted development by virtue of Schedule 2, Part 1, Class E of the Town and Country (General Permitted Development) Order 2015 or as amended.		

DRAWING NUMBERS

The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
01		Site Location and Block Plan	14 June 2023
02		Existing And Proposed Floor Plans	14 June 2023
05		Proposed Section AA	14 June 2023
03		Existing Elevations and Sections AA	14 June 2023
04		Proposed Elevations	14 June 2023

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
3. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of

these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk

Determined By:

Mr Mark Peacock
4 August 2023