

RE: RE: 5 Bell Lane Brookmans Park Hatfield AL9 7AY - 6/2021/1132/LAWP

Isaac Liu<i.liu@welhat.gov.uk>

8/7/2021 15:01

To KOSCIEN PHILL Copy Lois-May Chapman

Good afternoon Mr Phill,

Thank you for your e mail. I have noted your points below and have reviewed the submitted application drawings and new revised drawings. I have also reviewed the Officer's report and decision notice.

I understand you believe the decision notice and officers report is found to give different conclusions.

I do not agree with this as both documents clearly state , ' the development does not accord with Schedule 2, Part 1, Class A and E of the Town and Country Planning (General Permitted Development(England) Order 2015' (decision notice) and , ' The development would not accord with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development (England) Order 2015, as amended. Both documents have concluded the scope of Class E of the General Development Order has not been fulfilled.

You have stated that as there are no supporting reasons you find valid in the Officer's report and as the tick box criteria analysis complies with the permitted development you have come to a conclusion that the development is in fact permitted development.

I do not agree with this as the Council only decides applications based on submitted evidence such as drawings presented by the agent. Specially in this application, the case officer has found the drawings submitted show , ' the proposed gap between the triple garage and the side elevation of the house does not constitute as a functional gap. From the plans submitted it would appear that the garage is linked to the dwelling house' and hence unsatisfying the scope of Class E of the GDPO.

Although it is acknowledged the tick box criteria has been fulfilled this is only as a guide only . From reviewing the plans a wall is attached to the main house to the triple garage.

You have suggested the detached garage could be referred as a side garage and hence it should be within permitted development.

The application submitted is for a ' Certificate of lawfulness for the erection of a single storey detached garage, single storey rear conservatory , and swimming pool with enclosure', and therefore the assessment whether the detached garage as a side extension within permitted development is beyond the scope of this application. Please confirm in the new application whether you are submitting for a detached garage or a side extension to the main house.

You have stated the application does not include a retaining wall but admits it is annotated on the drawings as an error and therefore it is within permitted development.

The drawing AT821-22A dated June 2019, annotations state, ' fence or wall recessed' between the main house and detached garage. Officers decide applications based on the drawings submitted.

I understand you wish for the amended plans to be included in this application.

The application has now been decided and therefore the amend plans cannot be included in the application.

It is recommended to submit a new application with the new plans attached in your e mail dated 08.07.2021 at 12.55.

Kind regards

Isaac Liu
Principal Enforcement Officer
Welwyn Hatfield Borough Council
Email: I.Liu@welhat.gov.uk

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From: KOSCIEN PHILL <phil.koscien@ntlworld.com>
Sent: 08 July 2021 12:55
To: Isaac Liu <i.liu@welhat.gov.uk>
Subject: Fwd: RE: 5 Bell Lane Brookmans Park Hatfield AL9 7AY - 6/2021/1132/LAWP

cc Isaac Liu.

Dear Ms Chapman, I am now in receipt of a refusal notice of this application and also your officers report.

My first observation is that the two documents are not consistent in their conclusions: on the one hand the refusal notice simply states that the proposed works are not permitted development under class A, but your report states clearly in the conclusion the opposite as follows,

"The development would accord with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015."

Given that the refusal notice gives no supporting reasons, I am minded to accept the conclusion of your report because this forensically analyses the proposal following two pages of tick box analysis against compliance with all the criteria of the permitted development rules.

All the conditions of class A are complied with in the boxes ticked.

Similarly, your tick box analysis in relation to class E confirms compliance with all the conditions of Class E permitted development.

Yet you conclude otherwise, adding a discussion note making the following points,

1. the proposed gap between the triple garage and side elevation of the house does not constitute a functional gap as from the plans submitted it would appear that the garage is linked to the dwellinghouse.
2. no elevation drawings of the proposed retaining wall have been provided
3. the drawings for the swimming pool refer to the building having two front elevations

In respect of point 1 the proposal is for a **detached garage** - the description on the application says this as does your description - there is a clear gap between the house and garage and that is why it is called a detached garage. You suggest only that it **appears to be linked** and when you queried this both myself and the architect (who also sent an amended plan to clarify this point) informed you that it was not linked to the house - there was a screen fence on the plan which you appear to have misinterpreted. However, this should not have mattered as if you did not regard it as detached then it would be regarded as a side extension to the house and benefit from class A permitted development - your section j refers.

In respect of point 2 the application does not include a retaining wall - this is an existing dwarf patio wall less than a metre high and not part of the application. Again I informed you of this as did the architect.

In respect of point 3, whilst this may be a reference error on the drawing it has no bearing on permitted development rights. The architect amended the plan when you drew this to attention.

I enclose once again the amended plans which the architect sent you well in advance of the decision being issued which you should have taken into account and which would have cleared these points up.

It begs the question why you did not seek clarification on these minor points and once they were clarified why you didn't act on these.

Please can you clear up these points as work is now commencing on this project,

many thanks and regards