

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

**DELEGATED APPLICATION**

**Application No:** 6/2019/1297/LAWP  
**Location:** Just House Coopers Lane Northaw Potters Bar EN6 4NJ  
**Proposal:** Certificate of lawfulness for an outbuilding  
**Officer:** Ms Lucy Hale

**Recommendation:** Refused

6/2019/1297/LAWP

<b>Context</b>		
Application Description	Certificate of lawfulness for an outbuilding which would consist of a swimming pool, jacuzzi, bathroom, and gym area.	
Relevant planning History	Application Number: 6/2019/0737/LAWP Decision: Refused Decision Date: 23 May 2019 Proposal: Certificate of lawfulness for an outbuilding Reason for refusal: The proposed outbuilding would exceed the limitations of E.1(e) in Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) by virtue of being situated within 2 metres of the boundary of the curtilage of the dwellinghouse and measuring more than 2.5 metres in height.	
<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>T o b e P e r m i t t e d</b>
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
<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.	Y	Y
<b>Development not permitted</b>		
<b>E.1 Development is not permitted by Class E if—</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

(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;	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 – patio is no more than 0.20 m	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
<b>Discussion</b>		
<p>The height of eaves of the outbuilding would be higher than 2.5 metres and therefore would therefore fail to comply with E.1 (f). In addition, the front door is located on the south elevation and therefore this elevation comprises the principal elevation of the dwelling. The proposed outbuilding would therefore would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse and would fail to comply with E.1 (c).</p> <p>The development would therefore fail to comply with Class E of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended). The Certificate is therefore refused.</p>		

### **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

3.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
Ar A3 002		Location Plan	31 May 2019
Ar A3 001		Environmental Location Plan	31 May 2019
Ar A3 004	A	Proposed Plans And Elevations	31 May 2019
Ar A3 003	A	Proposed Site Plan	31 May 2019
Ar A3 004	A	Proposed Plans And Elevations	31 May 2019

**Determined By:**

Mr Jonathan Murray  
9 August 2019