

Our Ref: AC/BA/01
27th February 2024

Dear Sirs

Re: 15 Blanche Lane South Mimms Potters Bar EN6 3NY
Certificate of Lawfulness Development (proposed)

Proposal:

Certificate of lawfulness for the erection of rear outbuilding for ancillary gym, meditation space and BBQ;

Proposed Works

The application site is situated on the east-side of Blanche Lane, in close proximity to adjoining Earls Lane at the North end of Blanche Lane. The application site comprises a detached two storey dwelling located within the Metropolitan Green Belt. The site is bound to the east by the M25 and to the west by open fields.

The dwelling itself is set well back from the street to create a formal building line with a large front lawn space and a concrete driveway.

The surrounding area consists of a small group of mixed styled detached and semi-detached properties with front gable projections and original two storey rear extensions.

Substantial garden areas exist to the front, side and rear of the house. The residential curtilage, which includes the garden area surrounding the house, covers an area of approximately 967.9 m² and has been detailed on the drawings accompanying the application. The application relates to the erection of a garden outbuilding to be located within the rear garden area which has an existing area of 812.5m².

It is our view that the proposed outbuildings are permitted by Class E of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, [as amended] (GPDO), as set out below:

E.1

(a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P, PA or Q of Part 3 of Schedule 2 of the GPDO.

The property has not been subject to a change of use under Part 3, Schedule 2 of the GPDO.

(b) The total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) will not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

Drawing 'Bla/24/OB/08' confirms existing total garden area surrounding the house at 812.5m². The proposed amenity area to remain will be 668m² or **82%** after the construction of the outbuilding thus confirming that the total area of ground covered by the outbuilding within the rear curtilage of the dwellinghouse will not exceed 50% of the total area of the curtilage.

(c) No parts of the buildings will be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.

The proposed outbuilding is to be erected at the rear of the house and therefore on land which is not forward of the wall forming the principal elevation of the house.

(d) The buildings will not have more than a single storey.

The submitted plans and elevations clearly show the outbuilding to be single storey.

(e) the height of the building, enclosure or container would not 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;*

The outbuilding will be located more than 2.0m from the boundary and the height of the outbuilding as detailed on the proposed elevations will be no higher than 4.0m.

(f) The height of the eaves of the buildings will not exceed 2.5 metres.

The eaves heights of the buildings are detailed on the proposed elevations in accordance with the most recent 'Permitted development rights for householders: Technical Guidance' (DCLG), which states (on page 6) that "Where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building". This also follows the same approach to measuring eaves height as set out on page 12 of the Technical Guidance (N.B. the example provided within the Technical Guidance on page 12 is specifically referred to on page 44 and therefore applies to outbuildings).

(g) *The buildings will not be situated within the curtilage of a listed building.*

(h) *The works will not include the construction or provision of a verandah, balcony or raised platform. Only steps will be added to the east elevation of the proposed swimming pool building and no raised platforms or verandahs are proposed.*

(i) *The works do not relate to a dwelling or a microwave antenna.*

(j) *This paragraph concerns the size of containers and does not apply to this particular development.*

E.2

The dwellinghouse is not on any land which is within: a World Heritage Site; a National Park; an area of outstanding natural beauty, or; the Broads. Therefore the provisions of paragraph E.2 are not applicable.

E.3

The dwellinghouse is not on article 2(3) land and therefore the provisions of paragraph E.3 are not applicable.

Purpose and use of the outbuildings

Class E of Part 1, Schedule 2 of the GPDO provides permitted development rights within the curtilage of a house for:

any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.

The Technical Guidance states that “buildings under Class E should be built for purposes incidental to the enjoyment of the house. Paragraph E.4 of Class E indicates that purposes incidental to the enjoyment of the house includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the house”. The Technical Guidance further advises that “the rules also allow, subject to the conditions and limitations [below], a large range of other buildings on land surrounding a house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can be properly be described as having a purpose incidental to the enjoyment of the house”.

In this particular case, the proposed outbuilding will be used to provide separate gymnasium, meditation/ stretching and BBQ area that can be regarded as being for purposes that are incidental to the enjoyment of the dwellinghouse. The proposed outbuilding will not comprise any normal residential uses, such as separate self-contained accommodation nor primary living accommodation, which are widely regarded as being outside of the realms of permitted development.

The submitted floorplan show the largely open plan arrangement of the outbuilding.

Additional research illustrated that an open plan arrangement would best suit the free flow within the space between the flexible uses of gymnasium and mediation in order to free the mind, spirit and to fully appreciate the solitude of the rear garden and surrounding landscaping.

The gym area is likely to accommodate approximately five/ six pieces of equipment including a treadmill, cycle, cross-trainer, rowing machine, weights bench and a multi-trainer. All such equipment could reasonably be used by the occupiers of the house and the gym room allows just enough space to accommodate these pieces of equipment with sufficient space for the family to manoeuvre around them. For the mediation/ stretching area, a soft matting area with three yoga mats is envisaged that would allow stretching and breathing exercises to occur. A sauna and steam room facility have also been included to the rear of the outbuilding.

It is considered that the proposed outbuilding is of a size that is reasonably required for its intended use which can be considered to be typical, everyday recreational pursuits. It is our view that the information contained within the application demonstrates that the building would not be disproportionate to what is required to house the proposed use.

Furthermore the 2.0m separation of the outbuilding to the boundary allows for purposeful planting to be inserted including new hedging, *Carpinus Betulus* (Hornbeam), which is a bushy, feathered and evergreen and the a row of European Larch trees in particular that will greatly assist in suppressing noise and pollution from adjoining road traffic.

Conclusion

It is believed that this proposed outbuilding is lawful development for the following reasons:

- A permission for the use of the dwelling house as a dwelling house has not been granted by virtue of Class M, N, P or Q of Part 3 of the Schedule

- As a result of the works, the total area of ground covered by buildings within the curtilage of the dwelling house will not exceed 50% of the total floor area of the curtilage (excluding the ground area of the original dwelling house)
- No part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- No part of the building would have more than a single storey;
- The building would not be within 2 metres of the boundary of the curtilage of the dwellinghouse;
- The height of the eaves of the building would not exceed 2.5 metres;
- The height of the building would not exceed 4 metres;
- The building is not situated within the curtilage of a listed building;
- The building would not include the construction or provision of a verandah, balcony or raised platform;
- The building would not have a microwave antenna;

We consider the outbuildings submitted for determination to be compliant with the limitations and conditions of Class E of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).