

DELEGATED FILE NOTE

CASE OFFICER: ...William Thompson.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02862/LDCP	Erection of detached outbuilding	West Orchard Sperberry Hill St Ippolyts Hitchin Hertfordshire SG4 7NZ

Submitted Plan Nos

24287_PL01A 24287_PL02 24287_PL03_A 24287_PL12 24287_PL13

1.0 Policies

2.0 **Site History**

- 2.1 24/01852/LDCP - Erection of detached double garage in rear garden **Granted**
- 24/00420/FP - Installation of a new vehicular access off **Conditional Permission**
- 18/01298/FPH - Single storey rear extension **Conditional Permission**
- 99/01616/1HH - Single storey rear extension and first floor balcony **Conditional Permission**
- 95/00197/1HH - Two and single storey extensions **Conditional Permission**
- 79/01755/1 - Site and layout of detached house with double garage and formation of new vehicular access **Refused**
- 78/00421/1 - Renewal of detailed planning permission for pair of semi detached houses with garages and access previously granted **Conditional Permission**

3.0 **Representations**

- 3.1 No consultation required

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 West Orchard is comprises of a detached house and 2 outbuildings in a large garden on the north side of Sperberry Hill, in a residential area of St Ippolyts.

4.2 **Proposal**

- 4.2.1 A Certificate of Lawfulness (proposed) is sought for the erection of an outbuilding

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are whether the proposed development would require a specific planning permission or be considered 'permitted development' in line with the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1.

4.3.2 **Class E – buildings etc incidental to the enjoyment of a dwellinghouse**

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 as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

The proposed outbuilding would consist of uses incidental to the enjoyment of the main dwellinghouse.

E.1 Development is not permitted by Class E if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

The proposed development is compliant with this criterion.

(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);

The proposed development is compliant with this criterion.

(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;

The proposed development is compliant with this criterion.

(d) the building would have more than a single storey;

The proposed development is compliant with this criterion.

(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;

The proposed outbuilding would be a minimum of 3m away from the boundary and would be 4.0m in height. The proposed development is therefore compliant with this criterion.

(f) the height of the eaves of the building would exceed 2.5 metres;

The proposed development is compliant with this criterion.

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

The proposed development is compliant with this criterion.

(h) it would include the construction or provision of a verandah, balcony or raised platform;

The proposed development is compliant with this criterion.

(i) it relates to a dwelling or a microwave antenna; or

The proposed development is compliant with this criterion.

(j) the capacity of the container would exceed 3,500 litres.

The proposed development is compliant with this criterion.

4.4 **Conclusion**

4.4.1 A Certificate of Lawfulness (proposed) can be issued on the basis that the proposed outbuilding constitutes permitted development by virtue of Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Signed  Andrew Hunter	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 21 February 2025	