DELEGATED FILE NOTE

CASE OFFICER: …Tom Donovan……

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00825/LDCP	Insertion of ground floor window on the front elevation following removal of garage door to facilitate conversion of existing integral garage to reception room. Infill extension to form front entrance porch.	106 Benslow Lane Hitchin Hertfordshire SG4 9RA

Submitted Plan Nos
22-100 22-101

1.0 Policies

1.1 Relevant legislation

The Town and Country Planning (General Permitted Development) Order 2015.

2.0 **Site History**

2.1 None relevant.

3.0 **Representations**

3.1 No consultation required.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 106 Benslow Lane is a detached residential property.

4.2 **Proposal**

4.2.1 A) Insertion of facing brickwork and casement window to facilitate the conversion of the garage to ancillary habitable accommodation.

B) Infill extension to create single storey front porch.

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 Development A: Garage conversion and external alterations
The garage is proposed to be converted for use as ancillary habitable accommodation. This would not be a material change of use and as such would not fall within the meaning of 'development' as defined by Section 55 of the Town and Country Planning Act 1990. The conversion is therefore able to proceed lawfully.

4.3.3 The physical alterations required by the applicant to enable the conversion of the garage including the insertion of brickwork and a casement window would be compliant with the requirements and conditions of Class A of the Order.

4.3.4 Development B: Infill to form front porch
--Permission to use the house as a dwellinghouse has not been granted by way of Classes M, N, P or Q of Part 3 of the Schedule;
--The ground area would not exceed 3 square metres;
--No part of the structure would be 3 metres above the ground;
--No part of the structure would be within 2 metres with the curtilage of the property with a highway.

4.4 **Conclusion**

It is my view that the proposed development would comply with Class A and Class D of the GPDO whilst the conversion of the garage would not constitute development requiring planning permission.

5.0 **Recommendation**

5.1 The Lawful Development Certificate is **GRANTED** for the following reason:

1. The proposed use of the garage as habitable accommodation does not constitute development as defined under Section 55 of the Town and Country Planning Act 1990. The proposed replacement of the garage door with facing brickwork and a casement window and the infill extension to form the front porch does involve development and, by virtue of Section 57 of the said Act, requires planning permission. However, the proposed extension would benefit from the general planning permission granted under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 since it meets the relevant provisions, limitations and conditions of Part 1, Class A and Class D of that Order.

Signed  Tom Rea Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 12 April 2018	