

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00231/LDCP	Detached outbuilding and extension of the existing driveway	17 Bedford Road Ickleford Hitchin Hertfordshire SG5 3XH

Submitted Plan Nos

P01 P02 P03

2.0 **Site History**

- 2.1 25/02526/FP - Erection of one dwelling following demolition of existing outbuilding including cycle storage, parking and creation of vehicular access off Ryder Avenue.

Refused

3.0 **Representations**

- 3.1 No consultation required

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site accommodates a two-storey semi-detached dwelling situated off Bedford Road/Ryder Avenue, Ickleford. The site benefits from a driveway, rear garden and existing outbuilding.

4.2 **Proposal**

- 4.2.1 A Certificate of Lawfulness (proposed) is sought for a single storey outbuilding to facilitate art studio and maintenance workshop following demolition of existing sheds.

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 proposal would result in a relatively substantial structure on the garden plot abutting the footpath/highway. The proposed outbuilding would be L-shaped, measuring 10.5m wide at its widest point and 10.25m deep at the deepest point. The resultant internal floorspace would be ~72m². This would result in a footprint larger than the host dwelling. The proposal includes a driveway to the front of the outbuilding. While the floor plans do not make an indication of uses

ancillary to the host dwelling, given the proposed outbuilding would have a noticeably and materially larger footprint than the host dwelling, I do not conclude that the purpose of the proposed outbuilding can be considered as incidental. As such, the proposed development is not compliant with this criterion.

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 not be within 2m of the boundary, would have a dual-pitched roof and is proposed to be 3.9m in height. As such, the proposed development is 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.

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.

The proposed development is compliant with this criterion.

4.4 **Conclusion**

- 4.4.1 A Certificate of Lawfulness (proposed) cannot be issued on the basis that the proposal does not comply with the following criterion: E.(a), Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 12 March 2026	