

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02772/LDCP	Erection of 1no detached garage block	Winch Hill House Winch Hill Road Luton Hertfordshire LU2 8PB

Submitted Plan Nos

24280_PL05_A 24280_PL01_A 24280_PL02 24280_PL04

1.0 Policies

2.0 **Site History**

2.1 See history sheet.

3.0 **Representations**

3.1 No consultation required

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 Winch Hill House is a detached two storey dwelling located to the south east of Winch Hill , east of Luton Airport.

4.2 **Proposal**

4.2.1 A Certificate of Lawfulness (proposed) is sought for the erection of a detached garage block in the rear garden of the dwelling.

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);

Does not apply in this case.

(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 due to the siting of the garage block behind the principal elevation of the original dwellinghouse.

(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 more than 2m from any boundary and would be no more than 4 m 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 detached garage block 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 <i>S. Kasparian</i> Sarah Kasparian Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 6 January 2025	