DELEGATED FILE NOTE

CASE OFFICER: …Ben Glover……

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/01207/LDCP	Erection of wooden summerhouse in rear garden	Meadow View Pirton Road Holwell Hitchin Hertfordshire SG5 3SS

Submitted Plan Nos

1.0 Policies

2.0 **Site History**

2.1 18/00434/LDCP – Erection of a wooden summerhouse in rear garden – Refused on 20/04/2018.

3.0 **Representations**

3.1 None required.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is a two storey detached dwelling situated within Pirton.

4.2 **Proposal**

4.2.1 A Certificate of Lawfulness (proposed) is sought for the erection of a summerhouse within the rear garden of the application site. The development would measure approximately 2.6m in height, 3.6m wide and 3.3m in depth.

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 **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 proposal complies 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 proposal complies 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 proposal complies with this criterion.

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

The proposal complies 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 outbuilding would measure 2.6m in height. The proposal complies with this criterion.

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

The eaves would measure 2m in height. The proposal complies with this criterion.

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

The proposal complies with this criterion.

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

None of the above are proposed. The proposal complies with this criterion.

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

The proposal complies with this criterion.

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

The proposal complies with this criterion.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

(a)an area of outstanding natural beauty;
(b)the Broads;
(c)a National Park; or
(d)a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

The proposal complies 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 proposal complies with this criterion.

E.4 For the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse

The proposal would comply with this criterion.

4.4 **Conclusion**

4.4.1 A Certificate of Lawfulness (proposed) can be issued on the basis that the proposed outbuilding would constitute 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.

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Signed  Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 11 June 2018	