

DELEGATED FILE NOTE

CASE OFFICER: ...Melissa Tyler.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02498/LDCP	Alterations to existing detached garage to facilitate conversion into office space	62 Kings Road Hitchin Hertfordshire SG5 1RD

Submitted Plan Nos

HET-1854-01

1.0 Policies

2.0 **Site History**

2.1 None

3.0 **Representations**

3.1 No consultation required.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is comprises of a two-storey mid-terrace residential dwelling with detached garage sited at the end of the rear garden.

4.1.2 The site is within the settlement boundary for Hitchin where development is generally acceptable subject to planning policies.

4.2 **Proposal**

4.2.1 A Certificate of Lawfulness (proposed) is sought for alterations to existing garage to facilitate partial conversion into habitable space. Under Class E when an alteration to an existing outbuilding is considered, the whole building has to be assessed, not just the works proposed.

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 (as amended).

4.3.3 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 G, M, MA, N, P, PA 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;**

Although there is no increase to the height of the existing building the garage is more than 2.5 metres in height given it is within 2 metres of the boundary. The ridge height is 4.27 metres with an eaves height of 2.32 metres. Therefore unfortunately the proposal fails this part of Class E.

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

There is no increase to the height of the existing building, and the eaves are 2.32 metres and so 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;

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 Refused

A Certificate of Lawfulness (proposed) cannot be issued on the basis the existing garage has a height that exceeds 2.5 metres, given it is within 2 metres of a boundary the existing garage has a height of 4.27 metres. This application therefore fails to comply with the requirements of criterion (e i and ii) , Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and planning permission is required for these works.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 20 November 2025	