

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01866/LDCP	Erection of double garage/store, fence, electric gate and extension to existing permeable gravel drive.	3 Hobbs Hayes Blacksmiths Lane Reed Royston Hertfordshire SG8 8AU

Submitted Plan Nos

20848-P002-B 20848-P003-A 20848-S002 Block Plan

1.0 Policies

NONE	None Relevant
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2.0 **Site History**

- 2.1 20/02012/FP Erection of one detached 4-bed dwelling including associated parking, landscaping and vehicular crossover onto Blacksmiths Lane. REFUSED
- 2.2 20/02988/FPH Vehicular crossover onto Blacksmiths Lane with partial removal of hedge WITHDRAWN
- 2.3 21/02456/FP Erection of one detached 3-bed dwelling including associated parking, landscaping and vehicular crossover onto Blacksmiths Lane. WITHDRAWN
- 2.4 23/02032/FPH two storey side/rear extension including juliet balcony, single storey side and rear extensions following demolition of existing rear element. Insertion of solar panels to side roofslope and rooflights to front and rear roof slopes, erection of detached garage. Alterations to fenestration REFUSED

3.0 **Representations**

- 3.1 No consultation required

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is a former local authority dwelling at No 3 Hobbs Hayes a property dating from the interwar period.

4.2 **Proposal**

- 4.2.1 A Certificate of Lawfulness (proposed) is sought for the erection of a double garage/store, fence, electric gate and extension to existing permeable gravel drive.

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 as amended.

Double Garage/Store

4.3.2 **Class E – buildings etc incidental to the enjoyment of a 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 G, M, MA, N, P, PA 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 outbuilding would be situated at least 2m from the party boundary and would feature a dual-pitched roof approximately 4m in height. The proposal would comply with the above 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.

(k) the dwellinghouse is build under Part 20 of this Schedule (construction of new dwellinghouses).

The proposal is compliant 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 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 proposal is compliant with this criterion

Hard landscaping – extension to driveway

Development is not permitted by Part 1 Class F if —

F.1 Development is not permitted by Class F if 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 work complies with this criterion.

4.3.3 Conditions

F.2 Development is permitted by Class F subject to the condition that where—

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

The hard surface would be between the front elevation of the dwellinghouse and a highway, and would exceed 5 square metres in area. The proposed surface would be porous. The proposed new driveway to the side and rear to access the new garage is also permeable and has no restrictions.

Therefore, the development is compliant with this criterion.

Fence and gate

Development not permitted under Class A Part 2

A.1 Development is not permitted by Class A if—

(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—

- (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;**
- (ii) in any other case, 1 metre above ground level;**

The proposed work complies with this criterion.

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

The proposed work complies with this criterion.

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

The proposed work complies with this criterion.

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

The proposed work complies with this criterion.

4.4 Conclusion

- 4.4.1 A Certificate of Lawfulness (proposed) can be issued on the basis that the proposed development constitutes permitted development by virtue of Class E and F Part 1 of Schedule 2; Class A Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Signed  Sam Dicocco Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 7 October 2024	