

DELEGATED FILE NOTE

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

**APPLICATION
REFERENCE**

**BRIEF DESCRIPTION OF
DEVELOPMENT**

APPLICATION SITE

25/02584/LDCP

Detached single storey outbuilding
within rear garden

11 Kingswood Avenue

Hitchin

Hertfordshire

SG4 0PA

Submitted Plan Nos

25-2263 D01 Rev 04 25-2263 D02 Rev 04 25-2263 D03 Rev 04

1.0 Policies

2.0 **Site History**

2.1 None relevant.

3.0 **Representations**

3.1 No consultation required

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site accommodates a two-storey semi-detached dwelling. The site benefits from a driveway, a garage and a front and rear garden.

4.2 **Proposal**

4.2.1 A Certificate of Lawfulness (proposed) is sought for the erection of a detached single storey outbuilding within the rear garden.

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. As such, the proposed development is 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 have a dual pitched roof and be offset from all boundary lines by a minimum of 2m and is proposed to be 4.0m 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) can be issued on the basis that the proposal 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: 19 November 2025	