

DELEGATED FILE NOTE

CASE OFFICER: ...Kayleigh Abery.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01944/LDCP	Replace existing front door and insertion of rear window to existing garage to facilitate conversion into home office.	5 Darley Hall Darley Road Breachwood Green Luton Hertfordshire LU2 8PP

Submitted Plan Nos

1.0 Policies

2.0 Site History

2.1 26/00720/FPH: Part two storey and part single rear extension. Insertion of front and rear dormer windows to facilitate additional habitable space at second floor. Alterations to front fenestration. (Amended plan received 30/03/26). 21.05.2026 – **Conditional permission**

2.2 Permitted development rights have not been removed.

3.0 Representations

3.1 Neighbour notification is not a statutory requirement as part of the Lawful Development Certificate process.

4.0 Planning Considerations

4.1 **Site and Surroundings**

4.1.1 5 Darley Hall is a mid-terrace dwellinghouse, located in a small cul-de-sac. There is a separate terrace of garages within the site with the garage for number 5 located midway through the terrace. The site is within the green belt.

4.2 **Proposal**

4.2.1 A certificate of lawfulness (proposed) is sought for:

Replace existing front door and insertion of rear window to existing garage to facilitate conversion into home office.

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 Class E.

Part 1 Development in the curtilage of a dwellinghouse

Class E – buildings etc incidental to the enjoyment of a dwellinghouse

Permitted development

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

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted

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 garage is situated on land forward of a wall forming the principal elevation of the original dwellinghouse. Therefore, the proposal fails to meet 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 height of the dual pitched roof of the garage exceeds 4 metres and therefore the proposal fails to meet the criteria of (i).

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

The proposal complies with this criterion.

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

The site is not within a 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;

The proposal complies with this criterion.

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

N/A

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

N/A

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,

N/A

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.

N/A

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 not on article 2(3) land. E3 is therefore not applicable.

Interpretation of Class E

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.

4.4 Conclusion

4.4.1 A Certificate of Lawfulness (proposed) is refused on the basis that the proposed development does not constitute permitted development by virtue of Class E (c) and (e) (i), Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

1. A Certificate of Lawfulness (proposed) is refused on the basis that the proposed development does not constitute permitted development by virtue of Class E (c) and (e) (i), Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Signed  Naomi Reynard	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
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Determining Officer	
Date: 28 September 2026	