

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00901/LDCP	Erection of swimming enclosure over existing outdoor swimming pool	Greenbanks London Road St Ippolyts Hitchin Hertfordshire SG4 7NJ

Submitted Plan Nos

518/P/12 518/P/13 518/P/14 518/P/15

1.0 Policies

2.0 Site History

- 2.1 **22/00084/FPH** Single storey side extension to link existing garage to main dwellinghouse, replace existing front elevation link attached garage door with a window, insertion of dormer windows to the front and rear and rooflights to side roofslope

following the raising of the garage roof height to facilitate conversion of garage into an annexe. (Amended plans received 23/03/22). **Conditional Permission**

- 2.2 25/00355/NCS Single storey rear extension with the following dimension:
Length as measured from rear wall of original dwelling - 8 metres **GRANTED**
- 2.3 25/00896/PNAA Enlargement of detached bungalow by the construction of an additional storey to result in an overall height of 7.66 metres. **TO BE DETERMINED**

3.0 **Representations**

- 3.1 None consulted.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 Greenbanks, London Road, St Ippolyts is a detached bungalow property

4.2 **Proposal**

- 4.2.1 A Certificate of Lawfulness (proposed) is sought for the erection of swimming enclosure over existing outdoor swimming pool.

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, as amended. Class E permitted development rights have not been removed by Condition.

- 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, PA or Q of Part 3 of this Schedule (changes of use);

The property was originally built as a dwellinghouse and so 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 total area of ground covered by buildings, enclosures and containers within the curtilage, would not exceed 50% of the total area of the curtilage and so 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 proposed outbuilding would be sited in the rear garden and would not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse, and so complies with this criterion.

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

The proposal is single storey and so 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 building is less than 2m from the rear boundary of the curtilage of the dwelling house and the height is shown as 4m, therefore the proposal FAILS this criterion.

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

The height of the eaves would not exceed 2.5m and so complies with this criterion.

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

The property is not a listed building and so complies with this criterion.

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

The proposal does not include any of the above and so complies with this criterion.

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

The proposal relates to an outbuilding in the garden of a dwelling and so complies with this criterion.

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

The proposal does not relate to a container and so 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 proposed building is considered to comprise uses incidental to the enjoyment of the dwellinghouse, and complies with this criterion.

4.4 Conclusion

- 4.4.1 A Certificate of Lawfulness (proposed) cannot be issued on the basis that the proposed fails to meet E(ii) of the 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) given that it is one 1 metres from the boundary of the curtilage of the dwellinghouse.

- 1. A Certificate of Lawfulness (proposed) cannot be issued on the basis that the proposed outbuilding would fail to comply with Part (e ii) and therefore would not 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.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 12 May 2025	