

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01571/LDCP	Erection of outbuilding to rear of existing detached garage.	73 Browning Drive Hitchin Hertfordshire SG4 0QR

Submitted Plan Nos

01/05 02/03A 03/03A

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 comprises No. 73 Browning Drive, a detached two storey dwelling at the corners of Browning Drive and St Michaels Road in Hitchin.

4.2 **Proposal**

4.2.1 A Certificate of Lawfulness (proposed) is sought for the erection of a detached outbuilding.

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 ancillary to the enjoyment of the main 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 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 due to the proposed outbuilding being located to the rear of the principal elevation of the original dwellinghouse.

(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 be within 2m of the boundary and would be 2.5m in height. The proposed development is therefore 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.

4.4 **Conclusion**

4.4.1 A Certificate of Lawfulness (proposed) can be issued on the basis that the proposed detached outbuilding 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  Melissa Tyler	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 6 October 2026	