

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01501/LDCP	Erection of detached single storey rear garden room	56 Grays Lane Hitchin Hertfordshire SG5 2HJ

Submitted Plan Nos

GRAY-10-001 GRAY-10-00 GRAY-10-010

1.0 Policies

2.0 **Site History**

- 2.1 17/00393/1HH: Hip to gable roof extension to east and west side, two storey rear extension following demolition of existing conservatory and insertion of rear dormer window (as amended by drawing P01C received 06/04/2017). **Conditional Permission 19.04.2017**

17/04209/NMA: Two new rooflights added to new roof as a Non-Material Amendment to planning reference 17/00393/1HH granted on 19/04/2017. **Agreed 06.03.2018**

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 The site is a chalet style detached bungalow on the North side of Gray's Lane, Hitchin.

4.2 **Proposal**

- 4.2.1 A Certificate of Lawfulness (proposed) is sought for the erection of detached single storey rear garden room.

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 as amended.

Part 1 Development in the curtilage of a dwellinghouse

4.3.2 **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 proposed development does not conflict 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 does not conflict 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 does not conflict with this criterion.

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

The proposed development does not conflict 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 for the proposed development measures 2.5m and therefore does not conflict with this criterion.

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

The height of the eaves for the proposed development measures 2.5m and therefore does not conflict with this criterion.

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

The proposed development does not conflict with this criterion.

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

The proposed development does not conflict with this criterion.

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

The proposed development does not conflict with this criterion.

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

The proposed development does not conflict with this criterion.

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

The proposed development does not conflict 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 property is not located on land as described in E.2 and 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 property is not located on article 2\(3\) land and is compliant with this criterion.](#)

4.4.1 A Certificate of Lawfulness (proposed) can be issued on the basis that the proposed detached single storey rear garden room 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: 28 July 2026	