



PETER GEORGE TOWN PLANNING

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Development and Conservation
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
SG6 3JF

Dear Sirs

17 Bedford Road, Ickleford, SG5 3XH

Certificate of Lawfulness of Proposed Use of Development – Erection of detached outbuilding and extension to existing driveway

Introduction

We are instructed by Mr Fozi to make this application under Section 192 of the Town and Country Planning Act 1990 to ascertain whether the proposed development described above and detailed on the submission plans would be lawful.

The application submission comprises:

- Drawings P01-P03 **RedShed Design**
- Duly signed and completed application form
- Requisite fee of £131.

The Application Site

No.17 Bedford Road is a semi-detached dwelling situated at the junction of Bedford Road and Ryder Avenue. Its principal elevation is its front elevation and this primarily fronts



Bedford Road. The property has an existing gravel driveway to the front. The side elevation of the property and its southern boundary fronts Ryder Avenue. An existing outbuilding is situated in the rear garden which is otherwise largely laid to grass.

The Proposed Development

The proposed development involves two related aspects: a) The erection of a proposed, detached L-shaped outbuilding comprising double garage, garden room and shed, and b) the extension of the existing driveway with a permeable surface.

The proposed garage/outbuilding would have an L-shape plan with a gross internal area of approximately 72m² (83.5m² gross external area, 72m² gross internal area). It would have pitched roof and measure 2.5m to eaves height and 4m to ridge height. It is proposed to be constructed in blockwork with a rough-cast render to match the house. It would have a tiled roof to match the main house.

Compliance with the Town and Country Planning (General Permitted Development) (England) Order 2015

Proposed Detached Outbuilding- Class E

Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter referred to as 'The Order') sets out that, subject to certain requirements and conditions being met, the following would be 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.

Whether Incidental

The 'Permitted development rights for householders: technical guidance' (the technical guidance) states that:



"Class E sets out the rules on permitted development for buildings etc within the curtilage of a house. Buildings which are attached to the house are not permitted under Class E (they would be subject to the rules in Class A). Buildings under Class E should be built for purposes incidental to the enjoyment of the house. Paragraph E.4 of Class E indicates that purposes incidental to the enjoyment of the house includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the house.

But the rules also allow, subject to the conditions and limitations below, a large range of other buildings on land surrounding a house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can be properly be described as having a purpose incidental to the enjoyment of the house. A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen."

The proposed outbuilding would provide a double garage, garden room and shed; all uses that would be incidental to the use of the enjoyment of the existing dwelling. Accordingly, the proposed outbuilding would be compliant with part (a) of Class E in terms of its use.

Requirements

Parts E.1-E.4 of The Order sets out the terms under which development is permitted. Each is addressed in turn below.

	Criteria of E.1	Compliance
(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);	Compliant
	Commentary: The dwellinghouse was not granted by virtue of any of the noted classes.	
(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);	Compliant



	Commentary: The existing curtilage is 617m² whilst the gross external area of the proposed outbuilding would be 83.5m². This would thus represent the development of approximately 13.5% of the curtilage. The existing outbuilding would be removed. Hardstanding is not part of this calculation.	
(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;	Compliant
	Commentary: No part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse which is that which fronts Bedford Road.	
(d)	the building would have more than a single storey;	Compliant
	Commentary: The building would not have more than a single storey.	
(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;	Compliant
	Commentary: The building would have a dual-pitched roof, and it would not exceed 4 metres in height. The building would not be located within 2 metres of the boundary of the curtilage of the dwellinghouse.	
(f)	the height of the eaves of the building would exceed 2.5 metres;	Compliant
	Commentary: The height of the eaves of the building would not exceed 2.5 metres.	
(g)	the building, enclosure, pool or container would be situated within the curtilage of a listed building;	Compliant
	Commentary: The building would not be situated within the curtilage of a listed building.	
(h)	it would include the construction or provision of a verandah, balcony or raised platform;	Compliant
	Commentary: It would not include the construction or provision of a verandah, balcony or raised platform.	
(i)	it relates to a dwelling or a microwave antenna;	Compliant
	Commentary: No works to a dwelling are proposed. The proposals don't involve the provision of a microwave antenna.	
(j)	the capacity of the container would exceed 3,500 litres	Compliant



	Commentary: A container is not proposed.	
(k)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	Compliant
	Commentary: The dwellinghouse was not built under Part 20 of this Schedule.	
	Criteria of E.2	
E.2	<i>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</i>	Compliant
	Commentary: The dwellinghouse is not within the AONB, the Broads, a National Park or a World Heritage Site.	
	Criteria of E.3	
E.3	<i>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.</i>	Compliant
	Commentary: The dwellinghouse is not on article 2(3) land.	
	Criteria of E.4	
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.	N/A
	Commentary: Livestock is not proposed, but the use would be ‘incidental’ as discussed above.	



Proposed Driveway Extension - Class F

Schedule 2, Part 1, Class F of the Order sets out that, subject to certain requirements and conditions being met, the following would be permitted development:

F. Development consisting of—

(a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or

(b) the replacement in whole or in part of such a surface.

Requirements

Part F.1 of The Order sets out the terms under which development is permitted. Each is addressed in turn below.

	Criteria of F.1	Compliance
(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);	Compliant
	<i>Commentary: The dwellinghouse was not granted by virtue of any of the noted classes.</i>	
(b)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	Compliant
	<i>Commentary: The dwellinghouse was not built under Part 20 of this Schedule.</i>	

Conditions

Part F.2 of The Order sets out that:

F.2 Development is permitted by Class F subject to the condition that where—

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.



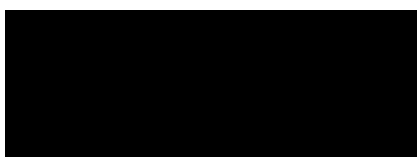
Commentary: The hard surface would not be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway. However, and as noted on the submission drawings it would be constructed in a porous material in any event thus ensuring compliance with Part F.2.

Summary

This letter, together with the other supporting information submitted with the application, demonstrates that the proposed development would be compliant with the requirements and conditions of Class E and Class F of the Order. Consequently, it is respectfully requested that a certificate of lawfulness of proposed use or development is granted without delay.

I trust that all is in order, and we look forward to receiving confirmation in due course.

Yours sincerely,



Tom Donovan BA(Hons) MA MRTPI, Director

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