HUNTINGDONSHIRE DISTRICT COUNCIL

25/00649/CLPD

OFFICER REPORT

Case No: **25/00649/CLPD** **Certificate of Lawfulness proposed**

Proposal: **Demolition of existing garage and erection of outbuilding.**

Location: **27 East Street Huntingdon PE29 1WE**

Applicant: **Mr Jack Hawley**

Grid Ref: **524519 272177**

DESCRIPTION OF SITE AND APPLICATION

The application site at 27 East Street is occupied by an end-of-terrace two-storey dwellinghouse located within a residential area in Huntingdon.

A Certificate of Lawful (Proposed) Development is sought for the demolition of the existing garage and erection of outbuilding.

While the permitted development rights of the property have not been removed, in order for the proposed development to be considered, the criteria outlined in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) must be met and this is assessed below.

NATIONAL GUIDANCE

The Town and Country Planning Act 1990

The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended)

RELEVANT PLANNING HISTORY

80/01766/FUL - Erection of garage 27 East Street Newtown Huntingdon (Permission)

16/002599/HHFUL - Extension to side/ partial rear of property (Permission)

CONSULTATIONS

No consultations - Certificate of lawful permitted development

REPRESENTATIONS

None received at the time of determination.

PLANNING ASSESSMENT

* Development within the curtilage of a dwellinghouse

Schedule 2 - Part 1 - Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) permits the provision within the curtilage of the

dwellinghouse of 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, subject to certain criteria set out within the Order. The proposed outbuilding as indicated on the submitted plans would be permitted as it falls within the definition and because the following additional tests are satisfied:

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);

Officer Assessment: Compliant

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);

Officer Assessment: Compliant

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;

Officer Assessment: Compliant

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

Officer Assessment: Compliant

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;

Officer Assessment: Compliant - the submitted proposed plans and elevations highlight a maximum ridge height of 2.43 metres

f) the hight of the eaves of the building would exceed 2.5 metres;

Officer Assessment: Compliant - see part e) above

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

Officer Assessment: Compliant - the proposed garage is not situated within the curtilage of a Listed Building

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

Officer Assessment: Compliant

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

Officer Assessment: Compliant

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

Officer Assessment: Not applicable

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

Officer Assessment: Compliant

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.

Officer Assessment: Compliant - the application site does not fall into the above.

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.

Officer Assessment - Compliant. Whilst the proposed outbuilding would fall within the curtilage of a dwellinghouse on article 2(3) land, which in this case is the Huntingdon Conservation Area, the outbuilding is not proposed to be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse and so is acceptable in this regard.

Notwithstanding the above, Class E requires that any building erected under that Class is for a purpose "incidental" to the enjoyment of the dwellinghouse.

The Town and Country Planning (General Permitted Development) (England) Order 2015 states that "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."

Officer comment: The submitted proposed outbuilding plans show that the outbuilding would be used as a studio which in this case would be considered as incidental to the enjoyment of the dwellinghouse as the personal enjoyment of the occupants of the dwellinghouse.

CONCLUSION

The proposed demolition of the existing garage and erection of an outbuilding as shown in the submitted plans accords with the criteria and conditions set out in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development is considered to be permitted development and is therefore granted planning permission by virtue of Article 3 of this Order. An application for planning permission is not required.

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CONTACT OFFICER:
Enquiries about this report to **Josh France**