

Meeting: Planning and Development Committee **Agenda Item:**

Date: 12 February 2026

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Lead Officer: Alex Robinson

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Application No : 25/00869/CLPD

Location : 467 Archer Road Stevenage

Proposal : Lawful Development Certificate (Proposed) for internal alterations to dwelling and alterations to fenestration.

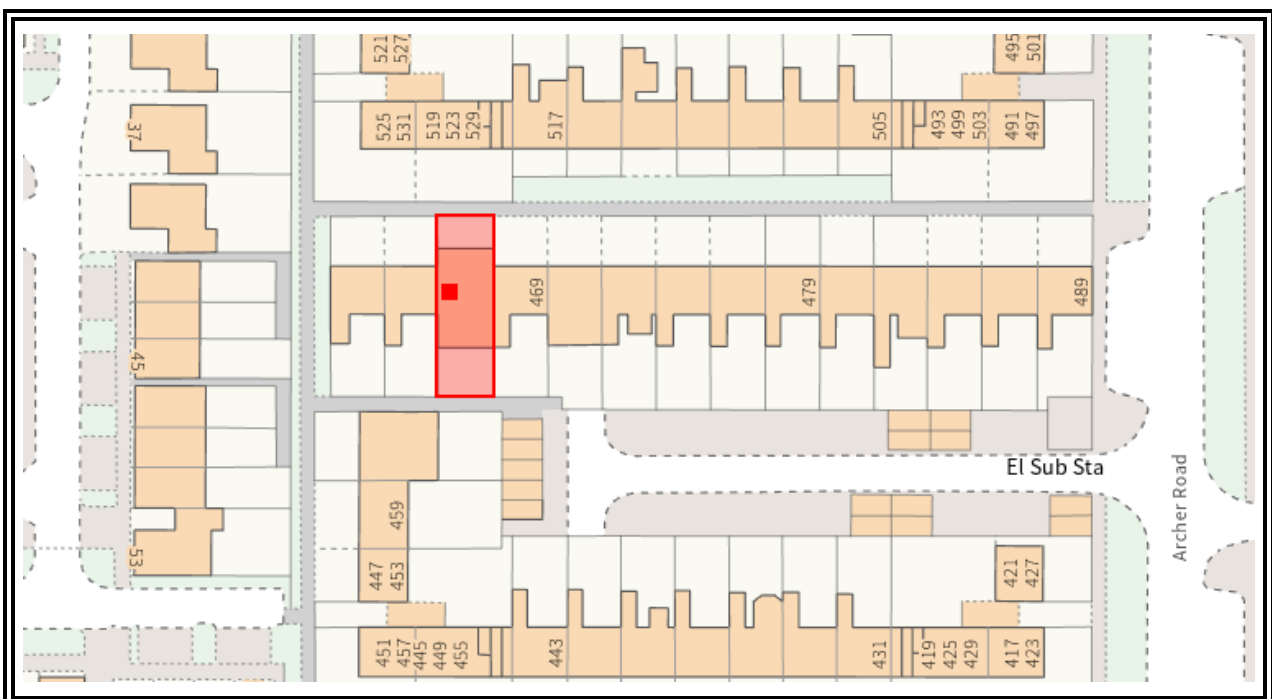
Drawing Nos.: Site Location Plan; FRONT ELEVATION; FLOOR PLANS;

Applicant : Mr Daud Latif

Agent: N/A

Date Valid: 4 December 2025

Recommendation: CERTIFICATE OF LAWFULNESS APPROVED



6 SITE DESCRIPTION

- 1.1 The application site comprises a two storey, terraced property within a predominantly residential area of Stevenage. It is located on the western side of Archer Road, within Radburn style cluster of homes.

7 RELEVANT PLANNING HISTORY

- 2.1 Planning application 99/00235/FP had sought permission for a 'single storey front extension', which had been granted in August 1999.

Planning application 24/00408/HPA had been submitted to confirm that prior approval is not required for a "single storey rear extension which will extend beyond the rear wall of the original house by 4.65 metres, for which the maximum height will be 4.00 meters and the height of the eaves will be 3.00 meters". A decision issued in July 2024 confirmed that prior approval is not required.

8 THE CURRENT APPLICATION

- 3.1 This application seeks a proposed lawful development certificate for internal alterations to the dwelling and alterations to fenestration.
- 3.2 This application comes before the Planning and Development Committee because the applicant is related to employees of Stevenage Borough Council. Therefore, in line with the Council's constitution, this application is being referred to the aforementioned committee for its decision.

9 PUBLIC REPRESENTATIONS

- 4.1 As this application is a lawful development certificate under in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended), there is no statutory requirement to consult any adjoining neighbours.

10 CONSULTATIONS

- 10.1 As this application is a lawful development certificate under in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended), there is no statutory requirement to consult any consultees.

11 RELEVANT PLANNING LEGISLATION & ASSESSMENT

- 6.1 **Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended).**

- 6.1.1 The primary change externally would be for the alteration to the fenestration of the principal elevation. The door and window openings are to be swapped and replaced. These have been designed to be similar in appearance to the existing windows and doors as currently fitted at the application property.

- 6.1.2 Therefore, following an assessment of the proposal, it has been determined that it accords with the criterion set out in Schedule 2, Part 1, Class A of the Permitted Development Order. Therefore, the proposed works do not require planning permission

and would be classed as permitted development. Given planning permission is not required, the Council cannot legally assess the proposed development against the Council's adopted Local Plan (2019) or relevant guidance on design as defined in the Design Guide SPD (2025).

- 6.1.3 As for the internal alterations, according to Section 55 of the Town and Country Planning Act 1990, "the following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—
(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—
(i) affect only the interior of the building."
- 6.1.4 The internal alterations to the floor plan (once the development as per the application 24/00408/HPA has been built) are not considered to constitute development as defined by the act referenced in paragraph 6.1.3. The application form states that these alterations are to accommodate two separate rooms for up to two potential lodgers, with the applicant to remain in the home.
- 6.1.5 Schedule 14 of Part 6 of the Housing Act 2004 outlines the buildings which are not HMOs for the Purposes of this Act (excluding Part 1). For buildings occupied by owners, it would not constitute a HMO if one or more persons who have, whether in the whole or any part of it, either the freehold estate or a leasehold interest granted for a term of more than 21 years; any member of the household of such a person or persons or; no more than such number of other persons as is specified for the purposes of this paragraph in regulations made by the appropriate national authority.
- 6.1.6 The Government has released the following regulations as per their website, whereby renting out rooms to 2 or less people in a dwelling as a resident landlord (buildings occupied by owners) would not constitute a House in Multiple Occupation (HMO). <https://www.gov.uk/rent-room-in-your-home/houses-in-multiple-occupation>. Therefore, the proposal does not amount to a change of use of the dwellinghouse (class C3) to a HMO (class C4) which given the Article 4 Direction being in place, would normally have required planning permission. Consequently, the proposal does not amount to a change of use which would require planning permission and thus, would be deemed to be lawful.

6.2 Equality, Diversity and Human Rights

- 6.2.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 6.2.2 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.
- 6.2.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 6.2.4 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the

commitments set out in our Equality Objectives and would support the Council in meeting its statutory equality responsibilities.

12 CONCLUSIONS

- 7.1 Upon balance, based on the evidence submitted, the proposal would not require planning permission at this moment, and nor would it constitute the creation of a HMO. Should there be any changes to any of the circumstances assessed under this application, the Council reserves the right to enforce any potential breaches in planning control.

13 RECOMMENDATIONS

- 8.1 That the Lawful Development Certificate is issued.

SUBJECT TO THE FOLLOWING CONDITIONS

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan; FRONT ELEVATION; FLOOR PLANS;
REASON:- For the avoidance of doubt and in the interests of proper planning
- 2 Following an assessment of the proposal, it has been determined that it accords with the criteria set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended). Therefore, the proposed works do not require planning permission and would be classed as permitted development.

INFORMATIVE

1 Public Information on Planning Applications

Warning: all information provided on your planning application is now publicly available. Individuals and organisations offering their services may contact you. The Council does not endorse or approve any builders, surveyors, trades persons or other supplier, and advises householders to obtain quotes/references, and check the legitimacy of any contractor who contacts them before making payment.

2 Community Infrastructure Levy

Stevenage Borough Council adopted a Community Infrastructure Levy (CIL) Charging Schedule at Full Council on 27 January 2020 and started implementing CIL on 01 April 2020.

This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at www.stevenage.gov.uk/CIL or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk.

3 Party Wall etc. Act 1996

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Stevenage Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

4 Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at building.control@hertfordshirebc.co.uk or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990.

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, Campus East, Welwyn Garden City, Hertfordshire, AL8 6AE.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction
- Work relating to fire safety
- Work affecting access and facilities for disabled people
- Completion

Please phone Hertfordshire Building Control on 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

5 Biodiversity Net Gain

Applications where Biodiversity Net Gain is not required as application is for householder permission.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

1. Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>

BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended).