

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01603/LDCP	Erection of a single storey rear extension following removal of existing rear conservatory	17 Grays Lane Hitchin Hertfordshire SG5 2HG

Submitted Plan Nos

Location plan 2001-v1 2002-v1

1.0 Policies

2.0 **Site History**

- 2.1 83/00192/1: Outline application (design, external appearance and landscaping reserved) for erection of detached dwelling. Application received 11.02.1983 - **Refused**
- 2.2 88/00635/1: Erection of single storey side and rear extension (as amended by plans received 14 June 1988). Application received 12.04.1988 – **Conditional permission**
- 2.3 08/00976/1HH: Rear Conservatory. 10.07.2008 - **Conditional permission**
- 2.4 14/02996/1HH: Two storey side extension with extension to existing loft space. 05.01.2015 – **Conditional permission**

3.0 **Representations**

- 3.1 N/A

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 Number 17 Gray's Lane is a two-storey semi-detached dwelling located on the south side of the street. It is a corner plot adjacent to Walsh Close with a large portion of the dwellinghouse visible within the close.
- 4.1.2 The property is not in a conservation area and is not a listed building, Permitted Development rights remain.

4.2 **Proposal**

- 4.2.1 A Certificate of Lawfulness (proposed) is sought for: Erection of a single storey rear extension following removal of existing rear conservatory.

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 Rear extension - Class A

Permitted development:

A. The enlargement, improvement or other alteration of a dwellinghouse

Development not permitted:

A.1 Development is not permitted by Class A 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 complies with this criterion.

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (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 complies with this criterion.

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The proposed development complies with this criterion.

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The proposed development complies with this criterion.

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The proposed development complies with this criterion.

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

The proposed in filling of the kitchen wall/window would adjoin an existing side and rear extension and cumulatively would exceed 4m in depth, therefore the development does not comply with this criterion. When an extension under permitted development joins into an existing extension, the proposed and existing extensions together have to be considered as the proposed works.

(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

N/A

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

N/A

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The proposed development complies with this criterion.

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse; or

The proposed infilling of the kitchen wall/window would adjoin a side and rear extension and cumulatively would exceed half width of the original dwelling house and therefore would not comply with this criterion. When an extension under permitted development joins into an existing extension, the proposed and existing extensions together have to be considered as the proposed works.

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (e) to (j);

The proposed development does not comply with F(i) and j (iii).

(k) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform,

(ii) the installation, alteration or replacement of a microwave antenna,

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) an alteration to any part of the roof of the dwellinghouse; or.

The proposed development complies with this criterion.

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

N/A

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

The property is not in a Conservation Area. The proposed development complies with this criterion.

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

The property is not in a Conservation Area. The proposed development complies with this criterion.

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

The property is not in a Conservation Area. The proposed development complies with this criterion.

(d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

The property is not in a Conservation Area. The proposed development complies with this criterion.

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposed development complies with this criterion.

(b)any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i)obscure-glazed, and

(ii)non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

N/A .

(c)where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

N/A

4.4 Conclusion

- 4.4.1 A Certificate of Lawfulness (proposed) cannot be issued on the basis that the proposed single storey rear extension following the removal of existing rear conservatory fails to comply with criterion (f) (i) and j (iii), Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. The Certificate is therefore **REFUSED**.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 14 August 2026	