

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01676/LDCP	Insertion of rear box dormer to facilitate conversion of loft into habitable accommodation. Insertion of one additional rooflight in existing south side elevation roof slope.	3 Spinney Close Hitchin Hertfordshire SG4 9PD

Submitted Plan Nos

3/SC-12 3/SC-01 3/SC-02 3/SC-03 3/SC-04 3/SC-05 3/SC-06 3/SC-07 3/SC-08 3/SC-09 3/SC-10
3/SC-11

1.0 Policies

2.0 **Site History**

- 2.1 24/01701/LDCP - Single storey rear extension – Pending
- 2.2 24/01724/FPH - Single storey front porch extension and Insertion of front dormer window to facilitate loft conversion following demolition of existing porch. – Pending
- 2.3 88/01510/1 - Two storey and first floor extension incorporating existing garage. (As amended by plans recieved 25.10.88) – Conditional Permission

3.0 **Representations**

- 3.1 No consultation required.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 No. 3 comprises detached two storey dwelling off Spinney Close, Hitchin.

4.2 **Proposal**

- 4.2.1 A Certificate of Lawfulness (proposed) is sought for the conversion of the roof space into habitable accommodation following the erection of a box dormer to the rear roof slope and the insertion of roof lights to the front roof slope.

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.

4.3.2 **Dormer Window - B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.**

- B.1 Development is not permitted by Class B if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

The proposed development is compliant with this criterion.

- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The proposed development is compliant with this criterion.

- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

The proposed development is compliant with this criterion given that it is not on the principal roof slope.

- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
 - (i) 40 cubic metres in the case of a terrace house, or
 - (ii) **50 cubic metres in any other case;**

The proposed dormer would be approximately 41 cubic metres. It therefore complies with this criterion.

- (e) it would consist of or include—
 - (i) the construction or provision of a verandah, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

The proposed development is compliant with this criterion.

- (f) the dwellinghouse is on article 2(3) land.

The application site is not set within article 2(3) land and therefore the proposed development is compliant with this criterion.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

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

The evidence attached to the submission indicates that the materials of construction would be similar in appearance to the existing dwellinghouse.

- (b) the enlargement must be constructed so that—
 - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—
 - (aa) the eaves of the original roof are maintained or reinstated; and
 - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
 - (ii) other than in the case of an enlargement which joins the original roof to the roof of
a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

The proposed development is compliant with this criterion.

- (c) any window inserted on 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.

The proposed development complies with this criterion.

4.3.3 **Proposed Rooflights to Rear/Side Roof - C. Any other alteration to the roof of a dwellinghouse.**

C.1 Development is not permitted by Class C if—
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

The proposed development is compliant with this criterion.

(b) of the the alteration would protrude more than 0.15 metres beyond the plane of the slope original roof when measured from the perpendicular with the external surface of the original roof;

The proposed development is compliant with this criterion.

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

The proposed development is compliant with this criterion.

(d) it would consist of or include—
(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The proposed development is compliant with this criterion.

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

(a) obscure-glazed; and
(b) 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.

The provided section plan indicates that the window would sit approx. 1.7m above the floor level of the bathroom.

4.4 **Conclusion**

4.4.1 A Certificate of Lawfulness (proposed) can be issued on the basis that the proposed rear dormer window and side roof light constitute permitted development by virtue of Classes B & C, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Signed <i>Andrew Hunter</i> Andrew Hunter	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 30 August 2024	