

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01928/LDCP	Single storey side extension and front porch. Installation of no.2 front rooflights and rear box dormer window to facilitate conversion of loftspace into habitable accommodation.	385 Western Way Letchworth Garden City Hertfordshire SG6 4SS

Submitted Plan Nos

1.0 Policies

2.0 **Site History**

2.1 15/00996/1HH: Two storey side and rear extension following demolition of rear conservatory and single detached garage. (as amended by drawings 385-LGC03 011B, 012B received 03/06/2015 and 013B received 02/06/2015). 04.06.2015 – **Conditional permission.**

2.2 Permitted development rights have not been removed.

3.0 **Representations**

3.1 Neighbour notification is not a statutory requirement as part of the Lawful Development Certificate process.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 Number 385 is a two-storey end of terrace dwelling located on the north-west side of Western Way, Letchworth Garden City. Whilst the conservatory and garage within the 2015 (15/00996/1HH) permission have been removed and some ground works have commenced in its history the two-storey side and rear extension has not been built out.

4.2 **Proposal**

4.2.1 A certificate of lawfulness (existing) is sought for:

Single storey side extension and front porch. Installation of no.2 front rooflights and rear box dormer window to facilitate conversion of loftspace into habitable accommodation.

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 Class A, Class B, Class C and Class D.

Part 1 Development in the curtilage of a dwellinghouse

4.3.2 Side extension

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

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 proposal 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 proposal 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 proposal 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 proposal 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 proposal is a side extension which fronts a highway. The highway, in this instance is the adjacent footpath, therefore the proposal fails to comply 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 proposal is a side extension and does not exceed 4 metres in height, therefore it complies with the criterion.

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 eaves do not exceed 3m and the proposal 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;

The proposal complies with this criterion.

(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 sub-paragraphs (e) to (j);

The proposal complies with this criterion.

(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 side extension does not include any of the stated criteria, therefore, the proposal complies with this criterion.

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

The dwellinghouse is not a new house and is compliant with this criterion.

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;

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

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

(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 proposed development is not on article 2(3) land. A2 is therefore not applicable.

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 materials explained on the proposed elevation plan will match existing. This condition is met, and the 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.

4.3.3 Dormer extension

Class B: additions etc to the roof of a dwellinghouse

Permitted development:

B. The enlargement of a dwellinghouse consisting of an 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 G, M, MA, N, P or Q of Part 3 of this Schedule (changes of use);

The proposal complies 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 planned rear dormer would not exceed the existing ridge line. The proposal complies 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 planned rear dormer would not exceed the existing roof slope. The proposal complies with this criterion.

(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 total additional volume is below the 40 cubic metres allowed for this property. Therefore, the proposal 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;**

The proposal does not include any of the elements above and complies with this criterion.

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

The property is not located on article 2(3) land and is compliant with this criterion.

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

The dwellinghouse is not a new house and is compliant with this criterion.

(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

The dwellinghouse has not been enlarged by additional storeys and therefore complies with this criterion.

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 accompanying elevation plan shows that the proposed external materials are to match the existing property. The proposal complies with this criterion.

(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

The proposal complies 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 dormer windows proposed are rear facing. The proposal therefore complies with this criterion.

4.3.4 Front rooflights

Class C: other alterations to the roof of a dwellinghouse.

Permitted development:

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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

The proposal complies with this criterion.

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

The proposed plans show the rooflights to protrude no more than 0.15m beyond the original roof. The proposal complies with this criterion.

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

The proposed development complies 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; or

The proposed insertion of rooflights would not include the above. Therefore, the development complies with this criterion.

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

The dwellinghouse is not a new house and is compliant with this criterion.

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 rooflights are to the roof slope on the front elevation. The proposed development complies with this criterion.

4.3.5 Porch

Class D – porches

Permitted development

D. The erection or construction of a porch outside any external door of a dwellinghouse.

Development not permitted

D.1 Development is not permitted by Class D 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) the ground area (measured externally) of the structure would exceed 3 square metres;

The proposal does not exceed 3 square metres and complies with this criterion.

(c) any part of the structure would be more than 3 metres above ground level;

The proposed development complies with this criterion.

(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway; or

The proposal complies with this criterion.

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

The dwellinghouse is not a new house and is compliant with this criterion.

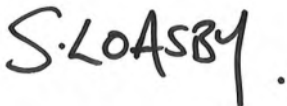
4.4 Conclusion

4.4.1 A Certificate of Lawfulness (proposed) is refused on the basis that the proposed development does not constitute permitted development by virtue of Classes A (e) (ii) Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Informative/s:

1. Bats and roof work Informative:

The applicant is advised that all species of bat and their roosts are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). As roof works have the potential to affect bats and their roosts, the applicant should remain vigilant throughout the works. Should bats, or evidence of bats, be discovered at any stage, all work in the affected area must cease immediately and advice should be sought from a suitably qualified ecologist before works recommence. The granting of planning permission does not remove the applicant's legal responsibilities under the relevant wildlife protection legislation.

Signed  Saffron Loasby	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 16 September 2026	