

DELEGATED FILE NOTE

CASE OFFICER: ...William Thompson.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01065/LDCP	Insertion of rear L-shaped dormer and insertion of rooflights in existing front roofslope. Erection of rear garden outbuilding.	51 Ickleford Road Hitchin Hertfordshire SG5 1TR

Submitted Plan Nos

2508_P001 2508_P100 2508_P002 2508_PD110

1.0 Policies

2.0 **Site History**

- 2.1 26/01066/FPH - Single storey rear extension following demolition of the existing rear element. Alterations to fenestration and external rendering to front elevation following removal of existing stone cladding.

Pending Consideration

3.0 **Representations**

- 3.1 N/A

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site comprises of a semi-detached dwellinghouse situated on Ickleford Road, Hitchin.

4.2 **Proposal**

- 4.2.1 A Certificate of Lawfulness (proposed) is sought for the insertion of rear L-shaped dormer and insertion of rooflights in existing front roofslope. Erection of rear garden outbuilding.

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.

Class B – Development B - Insertion of a dormer window to the existing rear roof slope.

- 4.3.2 **B.** Additions etc to the roof of a dwellinghouse.

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 property was originally built as a residential dwelling and so 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 proposal does not exceed the height of the of the highest part of the existing roof and so 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 proposal would not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and front a highway and so 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 cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 50 cubic metres and so 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 involve any of (e) (i)-(ii) incl. and so complies with this criterion.

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

The dwellinghouse is not on article 2(3) land and so complies with this criterion.

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

The dwellinghouse was not built under Part 20 of this Schedule and so complies 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 existing dwellinghouse has not been enlarged in reliance on the permission granted by Class AA and so complies 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;

(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

(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 proposal complies with the above criteria.

Class C. Any other alteration to the roof of a dwellinghouse.

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

The property was originally built as a dwellinghouse and so 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 alteration would not 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 and so 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 3no. rooflights on the front roof slope would not exceed the highest part of the original roof. As such, the proposal 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 removal of the chimney is acceptable under Class G, Part 1. So, the proposal complies with this criterion.

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

The dwellinghouse was not built under Part 20 of this Schedule and so complies 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.**

There are no proposed side elevation windows. So, it complies with this criterion.

Class E – buildings etc incidental to the enjoyment of a dwellinghouse

4.3.4 E. The provision within the curtilage of the dwellinghouse of—

- (a) 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; or**

The proposal complies with the above criteria.

E.1 Development is not permitted by Class E 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 proposal complies with the above criteria.

- (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);**

The proposal complies with the above criteria.

- (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;**

The proposal complies with the above criteria.

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

The proposal complies with the above criteria.

- (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;

The proposed outbuilding would be within 2m of the northern, southern and western boundaries and would have a flat roof 2.5m in height. As such, the proposal complies with the above criteria.

(f) the height of the eaves of the building would exceed 2.5 metres;

The proposal complies with the above criteria.

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

The proposal complies with the above criteria.

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

The proposal complies with the above criteria.

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

The proposal complies with the above criteria.

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

The proposal complies with the above criteria.

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.

The proposed development is compliant with this criterion.

4.4 Conclusion

- 4.4.1 A Certificate of Lawfulness (proposed) can be issued on the basis that the proposal constitutes permitted development by virtue of Class B, Class C and Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Signed Intan Keen Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 4 June 2026	