

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01930/LDCP	Insertion of roof lights to existing front roofslope and box dormer to existing rear roofslope to facilitate conversion of loft space into habitable accommodation.	39 Barkway Road Royston Hertfordshire SG8 9EA

Submitted Plan Nos

A010 A100 A105 A106

1.0 Policies

2.0 **Site History**

No relevant site history

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 terraced dwellinghouse on the northwest of Barkway Rd, facing north.

4.2 **Proposal**

4.2.1 A Certificate of Lawfulness (proposed) is sought for the insertion of roof lights to the existing front roof slope and box dormer to the existing rear roof slope to facilitate conversion of loft space 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 as amended.

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

4.3.3 **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;

Whilst the dormer window itself does not exceed the existing ridgeline, the proposed rooflight atop the dormer window does exceed the existing ridgeline. As such, the proposed dormer window does not comply with this criterion. See also C.1(c).

(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 be 35.6 cubic metres. So, it would not exceed the cubic content of the original roof space by more than 40 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;

The planning statement states that the materials to be used in any exterior work will be of a similar appearance to the existing dwellinghouse and so 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

(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 criterion.

4.3.2 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, 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 2no. rooflights on the front roof slope would not exceed the highest part of the original roof. However, the rooflight atop the proposed rear dormer window would exceed the highest part of the existing roof. So, it does not comply 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 alterations do not include any of the works mentioned in (d) (i) or (ii) and so 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.

The windows on the side elevation of the proposed dormer window are 1.7m above the floor of the room. So, it complies with this criterion.

4.4 Conclusion

- 4.4.1 A Certificate of Lawfulness (proposed) cannot be issued on the basis that the proposed insertion of roof lights to the existing front roof slope and box dormer to the existing rear roof slope to facilitate conversion of loft space into habitable accommodation does not constitute permitted development as it does not comply with the following criteria: Class B, Part 1 (b) and Class C, Part 1 (c) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 17 September 2024	