

DELEGATED FILE NOTE

CASE OFFICER: ...Harriet Sanders.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01020/LDCP	Insertion of rear box dormer with French doors and Juliet balcony, including rear window and obscured side window and 2 no rooflights to front elevation to facilitate conversion of loft into habitable accommodation.	164 Old Hale Way Hitchin Hertfordshire SG5 1XT

Submitted Plan Nos

mma.477 mp.204345 mp.204 mp.2644560 mp.2445643 Location Plan mp.244564 mp.2

1.0 Policies

2.0 Site History

- 2.1 89/00488/1 – CP – 10/07/1989 - Two storey side extension incorporating garage and entrance porch following demolition of existing garage and store (as amended by plans received 16th June 1989). This does not appear to have been built.
- 2.2 16/00910/1HH – CP – 27/05/2016 – single storey rear extension. This appears to have been built including the nma below.
- 2.3 17/01330/1NMA – agreed – 15/09/2017 - Alteration to roof pitch (as non-material amendment to planning permission 16/00910/1HH granted 31/05/2017).
- 2.3 22/02925/FPH – CP – 04/01/2023 - Single storey side and rear extensions following demolition of existing garage. This appears to have been built.
- 2.4 Permitted development rights do not appear to have been removed.

3.0 Representations

n/a

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 No 164 is a two storey semi-detached dwelling with a pitched roof. The site is in a residential area of detached and semi-detached dwellings.

4.2 Proposal

- 4.2.1 A certificate of lawfulness (proposed) is sought for *“Insertion of rear box dormer with French doors and Juliet balcony, including rear window and obscured side window and 2 no rooflights to front elevation to facilitate conversion of loft 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.

Proposed Rear Box Dormer

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 G, M, MA, N, P, PA 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 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 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 proposed cubic content does not exceed 50 cubic metres. The proposal 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;

None of the above apply. The proposal therefore meets this criterion.

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

The application site is not within article 2(3) land. This criterion is therefore met.

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

n/a.

(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).

n/a.

Conditions

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

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

The proposal will be clad in hanging tiles similar to the existing roof tiles. This condition is therefore met.

(b) the enlargement shall 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 shall, so far as practicable, be not less than 20 centimetres 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 proposal complies with this condition.

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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 side window complies with this condition.

Proposed Rooflights

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 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; or

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 proposal complies with this criterion.

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

N/a.

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 proposal complies with this condition.

4.4 Conclusion

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

Signed  Andrew Hunter	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 27 August 2024	