DELEGATED FILE NOTE

CASE OFFICER: ...Ben Glover.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/01175/LDCP	Rear dormer window to facilitate loft conversion	84 Whinbush Road Hitchin Hertfordshire SG5 1PZ

Submitted Plan Nos

BDS189/04/3A BDS189/04/4A BDS189/04/2A BDS189/04/1A

1.0 Policies

2.0 **Site History**

2.1 14/00145/1HH - Single storey rear extension – Granted Conditional Permission on 02/04/2014.

2.2 80/01718/1 - Erection of single storey front and rear extensions – Granted Conditional Permission on 15/12/1980.

3.0 **Representations**

3.1 None required.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 No. 84 is a two storey mid-terrace property situated on the east side of Whinbush Road and within a predominately residential area of Hitchin. The property features an existing two storey rear outrigger.

4.2 **Proposal**

4.2.1 A Certificate of Lawfulness (proposed) is sought for the construction of a rear dormer window that would project along the rear roofslope and the roofslope of the outrigger.

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

Development is not permitted

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 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 application site is a terraced dwelling and can therefore not exceed the cubic content of the original roofspace by more than 40 cubic metres.

The development would exceed the cubic content of the original roofspace by 36m3. 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; or

The proposal complies with this criterion.

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

The proposal 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 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.

(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 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 proposal complies with this criterion.

4.4 **Conclusion**

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

Proactive Statement:

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

Signed  Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 15 June 2018	