

DELEGATED FILE NOTE

CASE OFFICER: ...Vicki Wood.....

**APPLICATION
REFERENCE**

**BRIEF DESCRIPTION OF
DEVELOPMENT**

APPLICATION SITE

24/02148/LDCP

Rear box dormer and four front roof
lights to facilitate conversion of loft
space into habitable accommodation.

14 Kestrel Way
Royston
Hertfordshire
SG8 7XW

Submitted Plan Nos

080/CAR/0S 014/KES/001 Rev A

1.0 Policies

2.0 **Site History**

00/00142/1 - Residential Development (Phase 2) of 85 dwellinghouses with garaging and parking. Construction of estate road, provision of 4 play areas, open space, landscaping and ancillary works. Granted.

93/01442/1 - Residential development, open space, leisure facility and roundabout access from Melbourn Road (siting, design, external appearance and means of access and landscaping reserved). Conditional Permission.

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 dwelling on the eastern side of Kestral Way which is part of a much larger residential housing estate.

4.2 **Proposal**

4.2.1 A Certificate of Lawfulness (proposed) is sought for the erection of a rear box dormer and four front roof lights 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.

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 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 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 complies with this criterion.

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

The application site 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

(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 proposal complies with this criteria.

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 existing dwelling benefits from a dark red concrete tile to the roof of the main dwelling and also a dark red rosemary tile to the front single storey roof slope. The proposed dormer would match the dark red rosemary tile and therefore 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 this criteria.

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 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;

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).

The proposal 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 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 box dormer and four front roof lights to facilitate conversion of loft space into habitable accommodation constitutes permitted development by virtue of Classes B and C, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Signed  Ben Glover	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 6 November 2024	