

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/03054/LDCP	Hip to gable side roof extension, rear box dormer with Juliet balcony, 2 no. front rooflights and 2nd floor side window to facilitate loft conversion to habitable space.	81 Willian Road Hitchin Hertfordshire SG4 0LS

Submitted Plan Nos

ELA 12 A ELA 9 A ELA 1 A ELA 2 A ELA 3 A ELA / 4 Rev B ELA 8 A

1.0 Policies

2.0 **Site History**

2.1 23/01804/FPH - Single storey rear and side extension with rear terrace. Alterations to existing garage including raised roof height and insertion of front window following removal of garage door to facilitate conversion of garage into habitable accommodation (amended by plan received 06/09/23). CP 27/09/2023.

2.2 Permitted development rights do not appear to have been removed.

3.0 **Representations**

3.1 Neighbour notification is not a statutory requirement as part of the Lawful Development Certificate process.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is a two storey semi-detached dwelling.

4.2 **Proposal**

4.2.1 A certificate of lawfulness (proposed) is sought for:

“Hip to gable side roof extension, rear box dormer with Juliet balcony, 2 no. front rooflights and 2nd floor side window to facilitate loft conversion to habitable space.”

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 Class A, Class B and Class C.

Class A – The enlargement, improvement or other alteration of a dwellinghouse.

A.1 Development is not permitted by Class A 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) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

N/a.

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The proposal complies with this criterion.

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The height of the eaves of the proposed dormer would exceed the height of the eaves of the existing dwellinghouse. The proposal fails this criterion. See class B below.

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The proposal meets this criterion.

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

N/a.

g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

N/a.

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

N/a.

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

N/a.

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

- (i) exceed 4 metres in height,**
- (ii) have more than a single storey, or**
- (iii) have a width greater than half the width of the original dwellinghouse;**

N/a.

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

N/a.

(k) it would consist of or include—

- (i) the construction or provision of a verandah, balcony or raised platform,**
- (ii) the installation, alteration or replacement of a microwave antenna,**
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
- (iv) an alteration to any part of the roof of the dwellinghouse.; or**

The proposal would result in the alteration to the roof of the dwellinghouse. The proposal fails this criterion. See class B below.

The Juliet balcony style opening does not fall within the category of balcony as there is no floorspace to step out onto.

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

N/a

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

(d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

The proposal is not on article 2(3) land.

Conditions A.3

Development is permitted by Class A subject to the following conditions—

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

The proposed materials will match existing. This condition is therefore met.

(b) any upper-floor window located in 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; and

The proposed upper floor window in the side facing elevation will be obscure glazed and non opening above 1.7m finished floor level. This condition is therefore met.

(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

N/a.

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 proposed rooflights on the front roof slope will extend beyond the plane of the existing roof slope on the principal elevation. The proposal therefore fails this criterion. See Class C below.

(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 property is a semi detached house. 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;

The proposal does not include a verandah, balcony or raised platform. The Juliet balcony style opening does not fall within the category of balcony as there is no floorspace to step out onto.

The proposal therefore complies with this criterion.

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

The application site is not on 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 proposed materials will match existing. 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 upper floor window in the side facing elevation will be obscure glazed and non opening above 1.7m finished floor level. This condition is therefore met.

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 condition.

(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 condition.

(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 condition.

(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 condition.

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

The proposal complies with this condition.

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 A, 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  Ben Glover	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 19 January 2026	