

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02419/LDCP	Insertion of rear L-shaped box dormer window and two front rooflights to facilitate loft conversion.	83 Balmoral Road Hitchin Hertfordshire SG5 1XQ

Submitted Plan Nos

0043-JR-XX-ZZ-DR-A-0111-Rev-P2 Location Plan 0043-JR-XX-ZZ-DR-A-0202-Rev-P3 0043-JR-XX-ZZ-DR-A-0151-Rev-P2 0043-JR-XX-ZZ-DR-A-0121-Rev-P2 0043-JR-XX-ZZ-DR-A-0102-Rev-P2 0043-JR-XX-ZZ-DR-A-0015-Rev-P2 0043-JR-XX-RF-DR-A-0103-Rev-P2 0043-JR-XX-01-DR-A-0101-Rev-P2 0043-JR-XX-00-DR-A-0100-Rev-P2 0043-JR-XX-ZZ-DR-A-0120-Rev-P2 0043-JR-XX-ZZ-DR-A-0112-Rev-P2 0043-JR-XX-ZZ-DR-A-0110-Rev-P2 0043-JR-XX-01-DR-A-0201-Rev-P3 0043-JR-XX-RF-DR-A-0203-Rev-P3 0043-JR-XX-00-DR-A-0200-Rev-P3 0043-JR-XX-ZZ-DR-A-0251-Rev-P3 0043-JR-XX-ZZ-DR-A-0250-Rev-P3 0043-JR-XX-ZZ-DR-A-0221-Rev-P3 0043-JR-XX-ZZ-DR-A-0220-Rev-P3 0043-JR-XX-ZZ-DR-A-0212-Rev-P3 0043-JR-XX-ZZ-DR-A-0211-Rev-P3 0043-JR-XX-ZZ-DR-A-0210-Rev-P3

2.0 Site History

2.1 24/01196/FPH - Rear L shaped box dormer window and insertion of two front rooflights to facilitate conversion of loft into habitable accommodation. Refused 29.07.2024.

2.2 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 Terraced property located on the north side of Balmoral Road. The site is not within a Conservation Area.

4.2 Proposal

4.2.1 A certificate of lawfulness (proposed) is sought for “*Insertion of rear L-shaped box dormer window and two front rooflights to facilitate loft conversion.*”

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.

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 property is a terraced house. Due to the complex nature of the existing and proposed roof structures, clarification was sought twice from the applicant to establish how the cubic content was calculated. The clarification provided was insufficient to be able to make a robust calculation. In addition, it appears that the measurements for the existing roof space in the outrigger element of the dwelling have been overestimated. When a revised estimated calculation was undertaken by the case officer, the difference between the existing volume and proposed is approximately 40m³. Without clearer calculations from the applicant, the estimated increase in volume is too close to the threshold above to be able to determine whether the proposal meets 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 on the rear elevations and part of the west facing elevations in hanging tiles similar to the existing roof tiles. There does not appear to be an elevation drawing submitted of the west elevation but part of the proposal is shown on the Proposed Section 2 dwg 0021P3.

It is proposed to use cream brick on the east elevation. It is noted that this is to match the existing gable end at no 84. However, the condition requires materials to be of similar appearance to the existing dwelling house. Technical Guidance for Permitted Development Rights for Householders (Sept 2019) states:

“the face and sides of a dormer window should be finished using materials that give a similar visual appearance to existing house. So the materials used for facing a dormer should appear to be of similar colour and design to the materials used in the main roof of the house when viewed from ground level. Window frames should also be similar to those in the existing house in terms of their colour and overall shape.”

The cream brick is not of a similar colour or design to the materials used in the main roof when viewed from the ground.

There does not appear to be information provided about the colour or material of the proposed windows. The windows do not match the existing house in terms of their overall shape or style.

This condition is therefore not 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.

No side windows are proposed. The proposed development complies with this condition.

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) cannot be issued on the basis that insufficient clarification has been provided to confirm that criterion (d) (i) of Class B, Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended has been met. In addition, the proposal fails to meet the requirements of the condition B2 (a) that materials used shall be of a similar appearance to the existing dwelling house. The proposed L shaped dormer therefore fails to comply with criterion (d) (i) of Class B and condition B2 (a) of Class B, Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and is therefore not permitted development.

1. A Certificate of Lawfulness (proposed) cannot be issued on the basis that insufficient clarification has been provided to confirm that criterion (d) (i) of Class B, Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended has been met. In addition, the proposal fails to

meet the requirements of the condition B2 (a) that materials used shall be of a similar appearance to the existing dwelling house. The proposed L shaped dormer therefore fails to comply with criterion (d) (i) of Class B and condition B2 (a) of Class B, Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and is therefore not permitted development.

Signed  Andrew Hunter	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 17 December 2024	