DELEGATED FILE NOTE

CASE OFFICER: ...Melissa Tyler.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00793/LDCP	Changes to existing rear fenestration and doors.	43 Wilbury Road Letchworth Garden City Hertfordshire SG6 4JW

Submitted Plan Nos

1.0 Policies

2.0 **Site History**

2.1 91/0317/1 – Residential development of 270 dwellings comprising of 41 bungalows, 192 houses and 37 flats. Provision of 483 parking spaces, garaging for 47 vehicles and ancillary works – Conditional permission 25/04/1991 – No conditions pertinent to or restricting the proposed development covered within this advice.

2.2 12/02047/1HH - First floor rear extension and rear pitched roof canopy extension incorporating 4 photovoltaic (solar) panels to provide covered patio area. Installation of twin roof lights on west elevation and one roof light on north elevation. Retention of 6 photovoltaic panels on existing south roof slope, 6 photovoltaic panels on south roof slope of existing garage and ancillary works – Conditional Permission 12/11/2012

3.0 **Representations**

3.1 None

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 43 Wilbury Road is a detached property situated on the south side of the road opposite nos 1 and 2 Standalone Cottages.

4.2 **Proposal**

4.2.1 Seeks confirmation that changes to existing rear fenestration and doors does not require planning permission.

4.3 **Key Issues**

4.3.1 The issue here is whether the proposed changes are permitted under Class A. The changes to the fenestration may require permission if it were to be concluded that they fell foul of the relevant part of Class A namely:

4.3.2 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) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

4.3.3 Given that the applicant is replacing existing patio doors with a window and the removal of the existing door, I can not conclude that it would be reasonable to interpret the proposed changes as contrary to the spirit of the Order as drafted above.

4.4 **Conclusion**

4.4.1 That the proposed works be deemed lawful

5.0 **Recommendation**

5.1 That a lawful development certificate be **GRANTED**

Proactive Statement:

A Certificate of Lawfulness (proposed) can be issued on the basis that the proposed changes to the rear fenestration and doors constitutes permitted development by virtue of Class A, 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: 14 May 2018	