

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02027/LDCE	Removal of the central chimney and reinstatement of three basement windows (development already carried out)	Maran Cottage 145 - 149 High Street Codicote Hitchin Hertfordshire SG4 8UB

Submitted Plan Nos

Location plan RLS-12.1

1.0 Policies

2.0 **Relevant Site History**

2.1 **25/02027/LDCP YET TO BE DETERMINED**

2.2 **25/00310/FPH** First floor rear extension over existing rear extension to include gabled roof. Insertion of rooflights to existing rear roofslope. Front canopy, alterations to fenestration, external cladding and replace front boundary wall. **Conditional Permission**

2.3 **24/02680/LDCP** - Alterations to existing garage to facilitate conversion to home office – **Approved 10/01/25.**

2.4 **24/02517/FPH** - First floor rear extension over existing rear extension to include gabled roof. Insertion of rooflight to existing rear roofslope. Front canopy, alterations to fenestration, external cladding and replace front boundary wall – **Refused 20/12/24** for:
1. The proposal by reason of its size, siting, scale, design, materials and visual impacts, will be harmful to the setting and significance of nearby listed building No. 151 High Street, Codicote. The proposal does not comply with Policies SP13 and HE1 of the Local Plan, and Sections 12 and 16 of the NPPF.

2.5 **74/00492/1** - Extension to existing cottage – **Approved 09/07/74.**

3.0 **Representations**

None

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is a two storey detached dwelling with a pitched roof. The locality has a predominantly residential character although there are two shops nearby. No. 151 High Street that adjoins the site to the SE is a Grade II listed building, as are Nos. 153-157 in the same terrace.

4.2 **Proposal**

4.2.1 A Certificate of Lawfulness (existing) is sought the removal of the central chimney and reinstatement of three basement windows on the front elevation (development already carried out)

4.3 **Key Issues**

4.3.1 The key issues for consideration are whether the development requires 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 Class A – Reinstate lower level opening windows:

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 M, N, P or Q of Part 3 of this Schedule (changes of use);

The development is compliant 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) exceeds 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The development is compliant with this criterion.

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

The development is compliant with this criterion.

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

The development is compliant with this criterion.

**(e) the enlarged part of the dwellinghouse extends 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 development is compliant with this criterion.

**(f) subject to paragraph (g), the enlarged part of the dwellinghouse has 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;**

The development is compliant with this criterion.

**(g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse has 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;**

The development is compliant with this criterion.

**(h) the enlarged part of the dwellinghouse has 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 opposite the rear wall of the dwellinghouse;**

The development is compliant with this criterion.

(i) the enlarged part of the dwellinghouse is within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part exceeds 3 metres;

The development is compliant with this criterion.

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

- (i) exceeds 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; or**

The development is compliant with this criterion.

(k) it consists of or includes—

- (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.**

The development is compliant with this criterion.

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

(a) it consists 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;

The development is compliant with this criterion.

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

The development is compliant with this criterion.

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

The development is compliant with this criterion.

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 development is compliant with this criterion.

(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 development is compliant with this criterion.

(c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The development is compliant with this criterion.

4.3.3 Class G – Removal of Chimney

This provides permitted development rights for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

The removal is classed under the term 'alterations' of Class G

G.1 Development is not permitted by Class G if:

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)

The development is compliant with this criterion.

(b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or

The development is compliant with this criterion

(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which:

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the dwellinghouse

The development is compliant with this criterion

4.4 Conclusion

4.4.1 A Certificate of Lawfulness (existing) can be issued on the basis removal of the chimney and reinstating of the basement windows constitutes permitted development by virtue of Classes A and G Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 22 August 2025	