

DELEGATED FILE NOTE

CASE OFFICER: ...William Thompson.....

**APPLICATION
REFERENCE**

**BRIEF DESCRIPTION OF
DEVELOPMENT**

APPLICATION SITE

24/02165/LDCP

Insertion of rear L shaped box dormer
window and two front rooflights to
facilitate loft conversion

37 Bearton Road
Hitchin
Hertfordshire
SG5 1UE

Submitted Plan Nos

PL-499A PL-500A PL-505A

1.0 Policies

2.0 Site History

2.1 No relevant site history

3.0 Representations

3.1 None.

4.0 Planning Considerations

4.1 **Site and Surroundings**

4.1.1 The site consists of a semi-detached dwellinghouse on the southern side of Bearton Road, Hitchin.

4.2 **Proposal**

4.2.1 A certificate of lawfulness (proposed) is sought for the insertion of a rear L-shaped box dormer window and two front rooflights to facilitate a 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, Class B – 'additions etc to the roof of a dwelling house', Class C – 'other alterations to the roof of a dwellinghouse and Class G – 'chimney, flues etc'.

4.3.2 Class B – 'additions etc to the roof of a dwelling house'

(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 proposed development is compliant 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 proposed rear dormer is below the existing ridge line. As such, the proposed development is compliant 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 development is compliant 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 total additional volume would be approx. 29.0 cubic metres, which would be below the 50 cubic metres allowed for this semi-detached property. As such, the proposed development is compliant 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 proposed development is compliant with these criteria.

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 plans state that the proposed external materials are to match the existing property. As such, the proposed development is compliant 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

The proposed development is compliant with these criteria.

(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 proposed development is compliant with these criteria.

4.3.3 Class C – “other alterations to the roof of a dwellinghouse”.

(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 proposed development is compliant 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 proposed development is compliant 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 proposed development is compliant 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 proposed development is compliant with this criterion.

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

The proposed development is compliant with this criterion.

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 proposed development is compliant with this criterion.

4.3.4 Class G – chimney, flues etc

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 proposed 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 proposed 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 proposed development is compliant with this criterion.

4.4 **Conclusion**

4.4.1 The proposed insertion of rear L-shaped box dormer window and two front rooflights to facilitate loft conversion constitutes 'permitted development' by virtue of the Town and Country (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B, Class C and Class G. As such, a certificate of lawfulness can be issued.

5.0 **Recommendation**

5.1 That a certificate of lawfulness be **ISSUED** for the following reason:

1. The proposed insertion of rear L-shaped box dormer window and two front rooflights to facilitate loft conversion constitutes 'permitted development' by virtue of the Town and Country (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B, Class C and Class G. As such, a certificate of lawfulness can be issued.

Signed  Andrew Hunter	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 21 October 2024	