

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00275/LDCP	Single storey rear extension and insertion of two rooflights to existing rear element. Front porch extension.	80 Balmoral Road Hitchin Hertfordshire SG5 1XQ

Submitted Plan Nos

Location plan HM-25669-01 HM-25669-02 HM-25669-03 Rev B

1.0 Policies

2.0 **Site History**

- 2.1 25/02572/FPH - Single storey rear extension and front porch extension. Insertion of two rooflights to existing rear extension (as amended by plans rec'd 17 December 2025) – Refused
- 2.2 13/00035/1PUD - Dormer window in rear roofslope and insertion of 2 rooflights in front roofslope - Granted

3.0 **Representations**

- 3.1 No consultation required

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site comprises a mid-terrace two storey dwelling off Balmoral Road, Hitchin.

4.2 **Proposal**

- 4.2.1 A Certificate of Lawfulness (proposed) is sought for:
- ☐ The erection of a single storey rear and side extension.
 - ☐ The erection of a front porch.
 - ☐ The introduction of front roof

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 as amended.

Single Storey Rear/Side Extension

- 4.3.2 **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);**

The proposal complies with this criterion.

- (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 proposal complies with this criterion.

- (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 complies with 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;**

The proposed extension would measure approximately 5.7m in depth. The technical guidance for Class A advises that on a stepped dwelling, the depth measurement should be taken from the original rear elevation that the extension would extend from. Therefore, the depth would exceed 3m in the case of a terraced dwelling and would not comply with this criterion. The height of the extension would otherwise comply.

- (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;**

The proposal complies with this criterion.

- (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; or**

The proposal complies with this criterion.

- (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 complies 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 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;**

The application site is not situated within an article 2(3) area. The proposal complies with this criterion.

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

The application site is not situated within an article 2(3) area. The proposal complies with this criterion.

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

The application site is not situated within an article 2(3) area. The proposal complies with this criterion.

- (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 application site is not situated within an article 2(3) area. The proposal complies 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 proposal complies 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 proposal complies with this criterion.

- (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.**

The proposal complies with this criterion.

Proposed Rooflights to Front Roof - 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 M, N, P 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; or**

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.**

The proposed development is compliant with this criterion.

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.**

N/A

Front Porch

D. The erection or construction of a porch outside any external door of a dwellinghouse.

4.3.2 **D1. Development is not permitted by Class D 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 proposal is compliant with this criterion.

- (b) **the ground area (measured externally) of the structure would exceed 3 square metres**

The proposal is compliant with this criterion.

- (c) **any part of the structure would be more than 3 metres above ground level or**

The proposal is compliant with this criterion.

- (d) **any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway**

The proposal is compliant with this criterion.

4.4 **Conclusion**

- 4.4.1 A Certificate of Lawfulness (proposed) cannot be issued on the basis that the proposed single storey rear extension fails to comply with criterion (f) (i), Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. The Certificate is therefore **REFUSED**.

Signed <i>Paul Chaston</i> Paul Chaston Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 19 March 2026	