DELEGATED FILE NOTE

CASE OFFICER: ...Ben Glover.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/01391/LDCP	Insertion of windows to side elevation to create additional accommodation	13 Langbridge Close Hitchin Hertfordshire SG4 9EL

Submitted Plan Nos

1542/01C 1542/02C

1.0 Policies

2.0 **Site History**

2.1 11/01563/1HH - First floor side/rear extension and pitched roof to existing single storey side extension, pitched roof and extension of existing single storey rear extension and front entrance porch. Insertion of new window on first floor side elevation – Granted Conditional Permission on 10/08/2011.

3.0 **Representations**

3.1 No consultation required

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 No. 13 is a two storey semi-detached dwelling situated to the end of the Langbridge Close cul-de-sac. The property has been previously extended with a first floor side and rear extension.

4.2 **Proposal**

4.2.1 A Certificate of Lawfulness (proposed) application has been submitted for the alterations to openings including the insertion of new fenestration.

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

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 M, N, P 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 proposal complies 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 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;

The proposal complies with this criterion.

(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 opposite the rear wall of the dwellinghouse;

The proposal complies with this criterion.

(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.

(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.

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 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 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 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, 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.

4.4 **Conclusion**

4.4.1 A Certificate of Lawfulness (proposed) can be issued on the basis that the proposed insertion of windows 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.

1 A Certificate of Lawfulness (proposed) can be issued on the basis that the proposed insertion of windows 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: 9 July 2018	