

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01687/LDCP	Insertion of rear L-shaped box dormer with French doors and Juliet balcony to facilitate conversion of loft into habitable accommodation	4 Alexandra Road Hitchin Hertfordshire SG5 1RB

Submitted Plan Nos

Location Plan PL008A PL011A PL012A PL013A PL014A

1.0 Policies

2.0 **Relevant Site History**

- 2.1 24/01193/LDCP - Single storey side and rear extensions. Insertion of 2nd ground floor obscured windows to side elevation with first floor rear double doors with Juliet balcony. Conversion of existing detached garage into garden room and insertion of rear L-shaped box dormer window with Juliet balcony to facilitate loft conversion – Refused 22/07/24 for:

1. A Certificate of Lawfulness (proposed) cannot be issued on the basis that the proposed outbuilding would exceed the limitations of criterion (e)(ii) and (f) of Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

- 2.2 24/01192/FPH - Single storey rear and side extension following demolition of existing garage. Insertion of two ground floor side windows and first floor rear balcony doors with glazed balustrade – Approved 12/07/24.

3.0 **Representations**

- 3.1 No consultation required.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is a detached two storey dwelling with a pitched roof.

4.2 **Proposal**

- 4.2.1 A Certificate of Lawfulness (proposed) is sought for a rear dormer window with a flat 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, Class B. Permitted development rights have not been removed by condition.

- 4.3.2 **B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.**

Development is not permitted

B.1 Development is not permitted by Class B 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) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The proposal complies 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 proposal complies 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 application dwelling is a detached dwelling and therefore additions to the roof can exceed the original roof space of the dwelling by no more than 50 cubic metres. The existing roof is considered to be the original roof. The volume of the proposed roof addition would be approx. 49.9 m³.

The proposal complies 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; or**

The proposal complies with the criterion.

(f)the dwellinghouse is on article 2(3) land.

The proposal complies with this criterion.

Conditions

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 proposal complies 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 proposal complies with this criterion.

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

(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 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 rear L-shaped box dormer with French doors and Juliet balcony to facilitate conversion of loft into habitable accommodation' **would** constitute permitted development by virtue of Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Signed  Sarah Kasparian	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 3 September 2024	