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| <b>DELEGATED FILE NOTE</b> |
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**CASE OFFICER:** ...Thomas Howe.....

| APPLICATION<br>REFERENCE | BRIEF DESCRIPTION OF<br>DEVELOPMENT                                                                                  | APPLICATION SITE                                                     |
|--------------------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| 25/00703/LDCP            | Single storey side extension and single<br>storey rear extension following<br>demolition of existing rear extensions | 104a Bearton Road<br><br>Hitchin<br><br>Hertfordshire<br><br>SG5 1UF |

**Submitted Plan Nos**

Location plan PD 001 Rev A PD 002 Rev B PD 003 Rev A PD 004 Rev A PD 005 Rev A

**1.0     Policies**

## 2.0 **Site History**

2.1 23/01754/LDCP - Insertion of rear dormer window, side obscure window and 3no front rooflights to facilitate loft conversion into habitable accommodation - Granted

## 3.0 **Representations**

3.1 No consultation required.

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

4.1.1 No. 104a comprises a semi-detached two storey dwelling off Bearton Road, Hitchin.

4.1.2 The permitted development rights appear to be retained.

### 4.2 **Proposal**

4.2.1 A Certificate of Lawfulness (proposed) is sought for:

Single storey side extension and single storey rear extension following demolition of existing rear extensions.

### 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 proposed 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) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposed development is compliant 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 proposed development is compliant 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 proposed development is compliant 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 proposed development is compliant 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 depth of the proposed extension would measure approximately 3.75m at its deepest. The proposed development is therefore not compliant with this criterion given that the dwelling is not detached.

(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 opposite the rear wall of the dwellinghouse;

N/A – The development does not comprise more than a single storey.

(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 proposed development is compliant 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 would comply 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.

N/A

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;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

N/A The application site is not set on article 2(3) land.

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 proposed development is compliant with this condition.

- (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

N/A

- (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.

N/A

#### 4.4 **Conclusion**

- 4.4.1 A Certificate of Lawfulness (proposed) cannot be issued on the basis that the proposed single storey rear extension does not constitute permitted development by reason of a lack of compliance with f(i), Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. It is therefore recommended that a Certificate of Lawfulness be **REFUSED**.

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| <p>Signed</p>  <p>Tom Rea</p> | <p>Development Management<br/>North Hertfordshire District Council<br/>Council Offices<br/>Gernon Road<br/>Letchworth<br/>Herts<br/>SG6 3JF</p> |
| <p>Determining Officer</p> <p><b>Date:</b> 29 May 2025</p>                                                     |                                                                                                                                                 |