DELEGATED FILE NOTE

CASE OFFICER: …Ben Glover……

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00367/LDCP	Insertion of rear dormer window and two front velux windows to facilitate loft conversion. Front entrance porch.	9 Pirton Road Holwell Hitchin Hertfordshire SG5 3SR

Submitted Plan Nos
L-03 L-02 L-01

1.0 Policies

2.0 **Site History**

2.1 18/00368/FPH – Single storey rear extension and erection of binstore – Pending Consideration.

3.0 **Representations**

3.1 None required.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 No. 9 is a two storey mid-terrace property situated on the west side of Pirton Road in Holwell.

4.2 **Proposal**

4.2.1 A Certificate of Lawfulness (proposed) is sought for the conversion of the loft space into habitable accommodation with a rear dormer window and front rooflights. A front porch extension is also proposed to the front of the dwelling.

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 **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 site is a mid-terrace. The resulting roof space can therefore not exceed the cubic content of the original roof space by more than 40 cubic metres.

Dormer = 2.9m (h) x 3.1m (d) x 5.2m (w) / 2 = 23.4m^3

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 this 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

The proposal complies with this criterion.

(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.

4.3.3 **C.** ***Any other alteration to the roof of a dwellinghouse.***

Development not permitted

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 proposal complies 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 proposal complies 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 proposal complies 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 proposal complies 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—

The proposal complies with this criterion.

(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 proposal complies with this criterion.

4.3.4 **D1. Development is not permitted by Class D if –**

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only be virtue of Class M, N, P, PA or Q of Part 2 of this Schedule (change of use)

The proposal complies with this criterion.

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

The structure would measure 2.2m^2. The proposal complies with this criterion.

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

The porch would measure 3.5m in height. The proposal fails to comply 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 complies with this criterion.

4.4 **Conclusion**

4.4.1 A Certificate of Lawfulness (proposed) for the rear dormer window and front rooflights can be issued on the basis that they **would** constitute permitted development by virtue of Class B and Class C, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

4.4.2 A Certificate of Lawfulness (proposed) cannot be issued for the front porch extension on the basis that the development **would not** constitute permitted development by virtue of Class D, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

1. 1. Development A - Insertion of rear dormer window and two front velux windows:

   A Certificate of Lawfulness (proposed) for the rear dormer window and front rooflights can be issued on the basis that they would constitute permitted development by virtue of Class B and Class C, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

2. 2. Development B - Front Porch Extension:

   A Certificate of Lawfulness (proposed) cannot be issued for the front porch extension on the basis that the development would fail to constitute permitted development by virtue of Class D, 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: 22 March 2018	