

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01293/LDCP	Insertion of rear dormer window with Juliet barrier and two front rooflights	35 Dacre Road Hitchin Hertfordshire SG5 1QJ

Submitted Plan Nos

35DR/RRF/1 35DR/Rfs/1 35DR/RElev/1 35DR/PElev/1 35DR/EFIs/1 35DR/Front Elev
35DR/SecFloor/1B 35DR/SECT/1 35DR/SP/Rear Roof/1 35DR/PFIs/1A

1.0 Policies

2.0 **Site History**

- 2.1 23/01398/FPH - Retention of two rooflights and one low level window on rear roofslope – Unconditional Permission

3.0 **Representations**

- 3.1 No consultation required.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site comprises No. 35 Dacre Road, a mid-terrace two storey dwelling in Hitchin. The permitted development rights appear to be retained.

4.2 **Proposal**

- 4.2.1 A Certificate of Lawfulness (proposed) is sought for the conversion of the roof space into habitable accommodation following the erection of a box dormer to the rear roof slope and the insertion of roof lights to the front roof slope.

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

- 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 proposed development is compliant 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 proposed development is compliant 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 proposed development is compliant with this criterion given that it is not on the principal roof slope.

- (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 proposed dormer would measure approximately 20 cubic metres in volume. It therefore 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

Plans show a Juliet balcony; however, the balustrade would restrict occupants from standing on this area. The proposed development is compliant with this criterion.

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

The application site is not set within article 2(3) land and therefore the proposed development is compliant 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 plans indicate the materials of construction would be similar in appearance to the existing dwellinghouse.

- (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
- (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 proposed plans, specifically section AA, show that the proposed dormer window would sit close to the rear or beyond the rear elevation of the host dwelling. This would therefore fail to comply with condition (bb) listed above as there would not be a 0.2m separation from the dormer to the closest part of the eaves at the rear.

- (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.

No side window is proposed. The proposed development complies with this criterion.

4.3.3 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

4.4 Conclusion

4.4.1 A Certificate of Lawfulness (proposed) cannot be issued on the basis that the proposed rear dormer window would fail to comply with condition (bb), (b), Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. Refuse certificate of lawfulness.

Signed  Melissa Tyler	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 28 July 2026	