

DELEGATED FILE NOTE

CASE OFFICER: ...Harriet Sanders.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01557/LDCP	Insertion of rear box dormer with Juliet balcony and 2 no. front rooflights to facilitate loft conversion to habitable space	11 Matthew Gate Hitchin Hertfordshire SG4 9EQ

Submitted Plan Nos

ELA/9 A ELA/2 A ELA/7 A ELA/5 A ELA/6 A ELA/1 A ELA/3 A ELA/8 A

1.0 Policies

2.0 **Site History**

- 2.1 07/00135/1HH - Single storey rear extension following demolition of existing conservatory. CP 07/03/2007.
- 2.2 14/02016/1HH - Single storey front extension following demolition of part of existing garage. CP 04/09/2014.
- 2.3 26/01556/FPH - Raising existing roof ridge height by 35 cm, insertion of rear box dormer with Juliet balcony and 3.no front rooflights to facilitate loft conversion to habitable space. Pending.
- 2.4 Permitted development rights do not appear to have been removed.

3.0 **Representations**

- 3.1 Neighbour notification is not a statutory requirement as part of the Lawful Development Certificate process.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 No 11 is a two storey detached dwelling on the south site of Matthew Gate.

4.2 **Proposal**

- 4.2.1 A certificate of lawfulness (proposed) is sought for:

"Insertion of rear box dormer with Juliet balcony and 2 no. front rooflights to facilitate loft conversion to habitable space."

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 and Class C.

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 G, M, MA, N, P, PA 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 fails this criterion. See Class C below.

(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 property is a detached house. The proposed cubic content does not exceed 50 cubic metres. The proposal 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;

The proposal does not include a verandah, balcony or raised platform. The Juliet balcony style opening does not fall within the category of balcony as there is no floorspace to step out onto.

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

The application site is not on article 2(3) land. This criterion is therefore met.

(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or

N/a.

(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

N/a.

Conditions

B.2. Development is permitted by Class B subject to the following conditions—

(a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The external finishes of the dormer are to match the existing roof tiles. This condition is therefore met.

(b) the enlargement shall 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 shall, so far as practicable, be not less than 20 centimetres 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 proposal complies with this condition.

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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.

N/a.

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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

The proposal complies with this condition.

(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 condition.

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof;

The proposal complies with this condition.

(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; or

The proposal complies with this condition.

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new
dwellinghouses).

The proposal complies with this condition.

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) can be issued on the basis that the proposed
development constitutes 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.

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

