DELEGATED APPLICATION REPORT

Application No: 220253
Address: 223 Hemdean Road, Reading RG4 7QX
Applicant: Mr and Mrs Clark
Proposal: Certificate of lawfulness for proposed loft conversion and erection of rear dormer with alterations to side hip to form gable roof. Installation of 2no. Rooflights to front elevation.
Target date: 19/04/2022
Case officer: Marcelina Rejwerska

1. Site Description and Surrounding Area:

The application site is a semi-detached two storey dwelling on Hemdean Road. The property is set back from the road by way of a paved driveway. At the side and rear, the property has existing single storey extensions. Hemdean Road is a residential road comprised of semi-detached and terraced dwellings in similar style and design. The property is not listed nor in a conservation area.

2. Proposal:

The proposal is for a loft conversion and rear dormer including roof alterations to side hip to form a gable roof. The proposal also includes two new rooflights to the front elevation. The proposed conversion and dormer will measure 49.24m^3 in volume.

2.1. Plans Considered:

Location Plan
Block Plan
Existing Elevations
Proposed Elevations

Received 22/02/2022

3. Relevant Planning History:

None.

4. Consultation Responses:

No consultations were undertaken as it is not required for an application of this type.

5. Discussions with applicant/agent

None.

6. Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

7. Relevant Planning Policy and Guidance

Section 10 of the Planning and Compensation Act 1991 established a procedure that enables anyone who wishes to do so, to apply to the local planning authority to determine whether a proposed use or operation, or an existing operational development or an existing use of land, or any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted, is lawful, and if so, be granted a certificate to that effect.

A Lawful Development Certificate is a legal document stating the lawfulness of past, present or future development. If granted by the local planning authority, the certificate means that enforcement action cannot be carried out to the development referred to in the certificate. However, the certificate will not protect from enforcement action by the planning authority if the specified use or development is then changed 'materially' without a planning application for it.

The certificate is not a planning permission. The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The responsibility is on the applicant to provide evidence to support the application.

The NPPG states that “In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved. In determining an application for a prospective development under **section 192 of the Town & Country Planning Act** a local planning authority needs to ask “if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes."

8. Appraisal

A Certificate of Lawfulness for a Proposed Development has been submitted as the applicant considers the proposal falls within the permitted development rights of the property.

The proposal must be assessed to ensure that it complies with the conditions Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which relates to ‘enlargement, improvement or other alteration of a house’.

Development is not permitted by Class B if:

- B.1 (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 (change of use) **COMPLIES**
- B.1 (b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof **COMPLIES**
- B.1 (c) Any part of the dwelling house 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 **COMPLIES**
- B.1 (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. For the purposes of Class B "resulting roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not. **COMPLIES**
- B.1 (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 **COMPLIES**
- B.1 (f) The dwellinghouse is not on article 2(3) land **COMPLIES**
- B.1 (g) The dwellinghouse is built under Part 20 of this schedule (construction of new dwellinghouses).; or **COMPLIES**
- B.1 (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). **COMPLIES**

Development is permitted by Class B subject to the following conditions:

- B.2 (a) The materials used in any exterior work shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse **COMPLIES**
- B.2 (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 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 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 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 **COMPLIES**
- B.2 (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 **COMPLIES**

Interpretation of Class B:

- B.3 For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.
- B.4. For the purposes of paragraph B.2(b)(ii)—
    - (a) roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement; and
    - (b) “rear or side extension” includes an original part of, or a subsequent extension of, the dwellinghouse that extends from the rear or side of the principal part of the original dwellinghouse.

9. Conclusion

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and it has been confirmed that the proposal would be lawful, on the basis of the following submitted drawings:

Location Plan
Block Plan
Existing Elevations
Proposed Elevations

Received 22/02/2022

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed loft conversion. Therefore, the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed development.

RECOMMENDATION: GRANT PERMISSION

Informatives
Positive and Proactive
Terms
Building Control
Construction complaints
Encroachment