DELEGATED APPLICATION REPORT

App Ref: 210849/CLP
Address: 16 Freshwater Road
Proposal: Certificate of Lawfulness for proposed erection of rear flat roofed dormer loft conversion
Case Officer: Connie Davis
Applicant: Mr Christian Lim
Target Decision date: 20/07/21

INTRODUCTION
The application site is a two storey terraced dwelling on the southern side of Freshwater Road. The surrounding area is residential in character with a uniform architectural style.

PROPOSAL AND SUPPORTING INFORMATION

The proposal is for a rear flat roofed dormer. The rear dormer would extend at a width of 3.8m and would project to a maximum depth of 3.4m. The box dormer would have a maximum height of 2.5m and would be set back from the existing eaves by approximately 0.5m. The dormer would have a volume of 16.5 cubic metres. Materials have been selected to be of similar appearance to the main property. One side velux window is proposed.

Plans Submitted

The applicant provided the following drawings:

Drawing No.

21-0809 D01 Rev 1 – Location Plan
21-0809 D02 Rev 1 – Existing Floor Plans
21-0809 D03 Rev 1 – Existing Elevations
21-0809 D04 Rev 1 – Proposed Plans
21-0809 D05 Rev 1 – Proposed Elevations
21-0809 D06 Rev 1 – Specification & Section Detail Drawings 1:10, 1:20
21-0809 D07 Rev 1 – Section Detail Drawings 1:10, 1:20

Received 13th July 2021

Relevant Planning History

181633/HOU - Single storey side/rear extension – Application Permitted

Summary of Consultations

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

Relevant Planning Policy and Guidance

National Planning Practice Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

Permitted development rights for householders – Technical Guidance April 2017

Assessment

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 proposed rear flat roof dormer must be assessed to ensure that it complies with the conditions of Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which relates to 'additions etc to the roof of a dwellinghouse'

The relevant conditions of the GPDO for a rear flat roof dormer and which is not listed or in a conservation area, are as follows:

B.1 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 M, N, P or Q of Part 3 of this Schedule (changes 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 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; **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, **COMPLIES** or (ii) 50 cubic metres in any other case, **NOT APPLICABLE**

B.1 (e) it would consist of or include (i) the construction or provision of a veranda, balcony or raised platform, **COMPLIES** or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; **COMPLIES** or

B.1 (f) the dwellinghouse is on article 2(3) land, **COMPLIES**

Conditions

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

B.2 (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; **COMPLIES, as stated on the plans**

B.2 (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; **complies** 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; **COMPLIES** 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; **COMLIES** and

B.2 (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be (i) obscure-glazed, **COMPLIES, as stated on the plans** 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, as stated on the plans**

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), 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.

Recommendation

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed rear flat roof dormer loft conversion.

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. It can be confirmed that the proposed operation would be lawful for planning purposes on the basis of the following drawings:

Drawing No.

21-0809 D01 Rev 1 – Location Plan
21-0809 D02 Rev 1 – Existing Floor Plans
21-0809 D03 Rev 1 – Existing Elevations
21-0809 D04 Rev 1 – Proposed Plans
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Therefore the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed development.

Informatives:

Building Regulations
Construction and demolition
Encroachment and Party Wall
Bats
Terms

Equality Act

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. It is considered that there is no indication or evidence (including from consultation on the current applications) that the protected groups have or will have different needs, experiences, issues and priorities in relation to this particular planning application.

1:1250 Location Plan (Not to scale)