

DELEGATED HOUSEHOLDER APPLICATION REPORT

Ward: Tilehurst

App Ref: 210535/CLP

Address: 3 Chandler Close, Tilehurst

Proposals: Certificate of Lawfulness for Proposed conversion of existing loft with Velux rooflights to rear

Case Officer: Nathalie Weekes

Applicant: Mr and Mrs French

Date received (valid from): 7 April 2021

Extended Target Decision date: 15 June 2021

1. INTRODUCTION

The site consists of a detached residential property set off a private drive which serves a small number of residential properties from Routh Lane.

The site is located within the Routh Lane conservation area. The site is bounded by a terrace of residential properties fronting the Meadway to the north, part of the Avenue School site to the east, residential properties along Chandler Close to the south and 'Goodwyns', a Grade II listed building to the west.

2. PROPOSAL AND SUPPORTING INFORMATION

The applicant proposes to insert 3 Velux windows in the rear roof elevation. Materials to be used in the construction are to match those used in the existing property. The Velux windows are white UPVC on inside and Anthracite on the outside.

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Class C, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015:

Plans considered

01 Existing plans and elevations

03 Proposed plans and details

As received 12 April 2021

02 Existing plans and elevations - proposed Rev 02

Email from agent 08/06/2021 16:32 Velux window confirmation white UPVC on inside and Anthracite on the outside with photo

Velux photo

As received 08 June 2021

3. RELEVANT PLANNING HISTORY

None

4. CONSULTATIONS

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

5. LEGAL AND PLANNING POLICY CONTEXT

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.”

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 proposal must be assessed to ensure that it complies with the conditions of Class C, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which relates to ‘any other alteration to the roof of a dwellinghouse’.

Development is not permitted by Class C if:

- C.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**.
- C.1 (b) the alteration would protrude more than 0.15m beyond the plane of the slope of the original roof; **COMPLIES**.
- C.1 (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; **COMPLIES** or
- C.1 (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. **COMPLIES**

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of a dwellinghouse shall be:

- C.2 (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. **NOT APPLICABLE IN THIS INSTANCE.**

7. CONCLUSION

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

03 Proposed plans and details

As received 12 April 2021

02 Existing plans and elevations - proposed Rev 02

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Velux photo

As received 08 June 2021

Therefore the Local Planning Authority will, on this occasion, issue the applicant with a Certificate of Lawfulness for the proposed development.

Recommendation:

GRANT Certificate

Informatives

Building Regulations

Construction and demolition

Encroachment and Party Wall

Matching materials

Bats

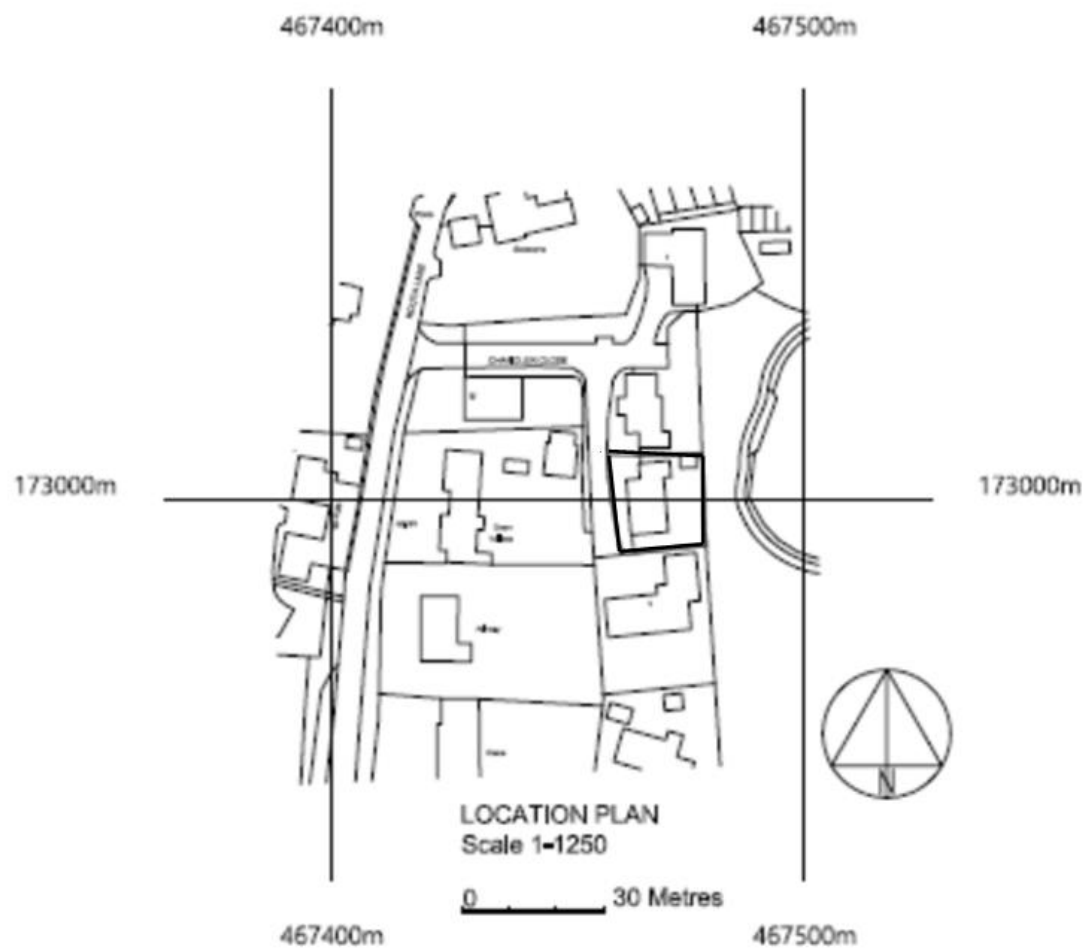
Terms

Window

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.

Location Plan (not to scale).



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