

Delegated Application Report

Target Date: 06/08/20

Address: 38 South Street

Application No: 200794/CLP

Proposal: Certificate of lawfulness for a proposed loft conversion with rear dormer and two front rooflights, and outbuilding in rear garden

Case Officer: Sian Hickey

Introduction and Proposal

The application site is a two storey terraced dwelling with a pitched roof. The surrounding area is predominantly residential. The property is not a Listed Building and it doesn't fall within a Conservation Area.

The proposal is for a loft conversion with a rear dormer addition and two front rooflights. The dormer would extend across the full width of the rearward roof slope, projecting to a depth of 3.5m, with a height of 2.2m. The dormer would not exceed the height of the existing ridgeline and would be set back from the existing eaves by approximately 0.2m. Two roof lights would be located in the front elevation, and two windows would be located in the rear elevation.

The proposal is also for the erection of an outbuilding at the end of the rear garden. The outbuilding would have a flat roof with a maximum height of 2.450m. The outbuilding would have a width of 3.5m and a depth of 4m. The outbuilding would have double doors and a window in the front elevation and one door in the rear elevation. The use of the outbuilding is to be as a summerhouse.

Plans Submitted

The agent supplied the following, received on 11th June 2020:

Drawing No: 08520-12 - Location and Block Plans

Drawing No: 08520-09 - Proposed Elevations

Drawing No: 08520-08 - Proposed Roof Plan

Drawing No: 08520-07 - Proposed Second Floor Plan

Drawing No: 08520-06 - Proposed First Floor Plan

Drawing No: 08520-05 - Proposed Ground Floor Plan

Drawing No: 08520-04 - Existing Elevations

Drawing No: 08520-03 - Existing Roof Plan

Drawing No: 08520-02 - Existing First Floor Plan

Drawing No: 08520-01 - Existing Ground Floor Plan

Subsequently, the agent provided the following, received 20th July 2020:

Drawing No: 08520-11A - Outbuilding floor plan and elevations

Relevant Planning History

None

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 September 2019

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 loft conversion with rear dormer and two front rooflights, and outbuilding in rear garden must be assessed to ensure that it complies with the conditions of Class B, Class C and Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which relate to 'additions etc. to the roof of a dwellinghouse', 'other alterations to the roof of a dwellinghouse', and 'buildings etc incidental to the enjoyment of a dwellinghouse'.

The relevant conditions of the GPDO for a proposed loft conversion with rear dormer and two front rooflights, and rear outbuilding, which is not listed or in a Conservation Area, are as follows:

Dormer

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; **n/a**

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 per email from agent dated 21/07/2020.**

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; **complies** 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** 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), 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.

Roof lights

C.1 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 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof; **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, **complies** or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment. **complies**

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:

C.2 (a) obscure-glazed; **complies** and

C.2 (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.

Complies

Outbuilding

E.1 Development is not permitted by Class E if:

E.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**

E.1 (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); **complies**

E.1 (c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse; **complies**

E.1 (d) the building would have more than a single storey; **complies**

E.1 (e) the height of the building, enclosure or container would exceed (i) 4 metres in the case of a building with a dual-pitched roof, **complies** (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, **complies** or (iii) 3 metres in any other case; **complies**

E.1 (f) the height of the eaves of the building would exceed 2.5 metres; **complies**

E.1 (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building; **complies**

E.1 (h) it would include the construction or provision of a verandah, balcony or raised platform; **complies**

E.1 (i) it relates to a dwelling or a microwave antenna; **complies** or

E.1 (j) the capacity of the container would exceed 3,500 litres. **complies**

E.2 In the case of any land within the curtilage of the dwellinghouse which is within:

(a) an area of outstanding natural beauty;

(b) the Broads;

(c) a National Park; or

(d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres. **complies**

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse. **complies**

Recommendation

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Classes B, C and E, 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 drawings received on 11th June 2020 and 20th July 2020:

Drawing No: 08520-12 - Location and Block Plans

Drawing No: 08520-09 - Proposed Elevations

Drawing No: 08520-08 - Proposed Roof Plan

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Drawing No: 08520-04 - Existing Elevations

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Drawing No: 08520-02 - Existing First Floor Plan

Drawing No: 08520-01 - Existing Ground Floor Plan

Drawing No: 08520-11A - Outbuilding floor plan and elevations

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed loft conversion with rear dormer, 2 front roof lights, and rear outbuilding. Therefore the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed development.

Informatives

Building Regulations

Encroachment and Party Wall Act

Construction and Demolition

Bats

