

Address: 40 Cardigan Road

Application No: 190390/CLP

Proposal: Rear flat roof dormer extension.

Case Officer: Tom French

Introduction & Proposal

The application site is a two storey mid-terraced dwelling with a pitched roof. A single storey extension projects to the rear. The surrounding area is predominantly residential.

A flat roof 'box' style dormer is proposed to the rear roof slope.

The application site is not on Article 2(3) land.

Plans Submitted:

The agent supplied the following drawings:

Drawing number:

- 069-01 - Site & Location Plans
- 068-002 - Existing Plans
- 068-003 - Existing Elevations & Sections
- 068-010 - Proposed Plans & Elevations (Dormer)

As received: 07/03/2019

Relevant Planning History:

181727 - HOU - Single storey rear extension, front porch and loft conversion with rear box dormer and roof lights - Application Withdrawn

190161 - HOU - Single storey rear extension, front porch and provision of roof lights (resubmission of 181727/HOU) - Application Permitted

Summary of Consultations:

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

Relevant Planning Policy & Guidance:

Annex 8 "Lawfulness and the Lawful Development Certificate" of Planning Circular 10/97 'Enforcing Planning Control: Legislative Provisions and Procedural Requirements' sets out the procedure for assessing applications for certificates of lawfulness:

Para 8.26 states, "if the LPA are supplied with information satisfying them that the operations described in the application would be lawful, if instituted or begun at the time of the application, they shall issue a certificate to that effect; and, in any other case, they shall refuse the application." "The burden of proof in a LDC application is firmly on the applicant."

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 Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO), which relates to 'the enlargement of a dwellinghouse consisting of an addition or alteration to its roof' and 'Any other alteration to the roof of a dwellinghouse' respectively.

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 M, N, P or Q of Part 3 of this Schedule (changes of use); **COMPLIES**

(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**

(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 - The proposal is to the rear of the dwellinghouse**

(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 **COMPLIES - The proposed development would result in an increase of the total roof space of 13m²**

(ii) 50 cubic metres in any other case; **N/A**

(e) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform, or **COMPLIES**

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or **COMPLIES**

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

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

(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 - The plans state that the dormer will be clad with 'dark grey tile cladding'**

(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; and **COMPLIES**

(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; and **COMPLIES**

(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 **COMPLIES**

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i) obscure-glazed, and **N/A -There are no windows proposed in the side elevation**

(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 -There are no windows proposed in the side elevation**

Conclusion

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

Drawing number:

- 069-01 Rev P1 - Site & Location Plans
- 068-002 Rev P1 - Existing Plans
- 068-003 Rev P1- Existing Elevations & Sections
- 068-010 Rev P1 - Proposed Plans & Elevations (Dormer)

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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

1. The applicant's attention is drawn to the requirement for submission of a Building Regulations application for the proposed development. Please contact Building Control on 0118 937 2449 for advice.
2. During the course of construction, the developer should take care to ensure that no part of this development (foundations, eaves, guttering, etc.) would encroach on, under or across the boundary line with the adjoining property, as the requisite Notice has not been served on the owner of that property. This permission does not confer any right of access onto land that is not under the developer's control. The developer should also be mindful of the obligations and requirements of the Party Wall Act

(1996) details of which can be found at:

<http://www.communities.gov.uk/publications/planningandbuilding/partywall>

3. The construction (and demolition) of the development will be subject to environmental health law.
4. Work on a loft or roof may affect bats. The applicant will need to consider protected species when planning work of this type. A survey may be needed, and if bats are using the building, a licence may be required. To view specific information regarding bats use the following link:

<https://www.gov.uk/wildlife-licences>

Location Plan (not to scale)

