

Delegated Application Report

Target Date: 24/04/2019

Address: 57 Hemdean Road

Application No: 190349/CLP

Proposal: Proposed rear dormer roof extension and two rooflights on front roofslope.

Case Officer: Tom French

Introduction & Proposal

The application site contains a mid-terrace dwelling on the east side of Hemdean Road. The property includes a two storey rear projection that is visible on historic mapping dating from 1950 onwards. The application site includes a rear amenity area approximately 15m deep and 5m wide.

The surrounding area is predominantly residential with semi-detach and terrace housing of varying scale and design.

The application building is not listed, nor is it located within a conservation area.

An L - shape rear dormer is proposed that would span from the main roof to the roof of the existing rear projection. The associated alterations to the roof scape include the insertion of two roof lights to the front elevation and removal of a chimney to rear of the property.

Plans Submitted:

On 27/02/2019 the agent supplied the following drawings:

Drawing Number:

- 19-4646-01 - Existing Floor Plans
- 19-4646-02 - Existing Elevations
- 19-4646-03 - Proposed Floor Plans
- 19-4646-04 - Proposed Elevations
- 19-4646-05 - Building Regulations

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 & 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 and Class C, 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**

(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 - It is noted that the dormer would be finished with 'vertical tile hanging to dormer cheek'. This is considered to be of a similar appearance to the existing tiled roof.**

(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**

C. Any other alteration to the roof of a dwellinghouse.

C.1 Development is not permitted by Class C 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) 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 - The plans show that the roof lights would not protrude from the external surface of the roof**

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or **COMPLIES**

(d) it would consist of or include—

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or **COMPLIES - The alterations do include the removal of a chimney to the rear of the property. As this would not constitute an alteration or replacement , the proposal is considered to comply with this condition**

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment. **COMPLIES**

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—

(a) obscure-glazed; and **COMPLIES - There are no windows proposed in the side elevation**

(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 - 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 Classes B and C 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:

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- 19-4646-02 - Existing Elevations
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- 19-4646-04 - Proposed Elevations
- 19-4646-05 - Building Regulations

As received: 27/02/2019

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)

