

**Delegated Application Report****Target Date:** 29/05/19**Address:** 22 Hatherley Road**Application No:** 190560/CLP**Proposal:** Flat roof rear dormer**Case Officer:** Sian Hickey**Introduction and Proposal**

The application site is a two storey mid-terraced dwelling with a pitched roof and a rear box dormer. A two storey element projects at the rear. The surrounding area is predominantly residential. The application site falls within an Article 4 area which removed permitted development rights for changes from C3 dwellinghouses to C4 small HMOs. The property is not a Listed Building and it doesn't fall within a Conservation Area.

The proposal is for a flat roof rear dormer addition above the existing two storey projection. The dormer would extend at a width of 2.8m, with a maximum height of 3.5m. The dormer would not exceed the height of the existing ridgeline. One window would be located rear elevation. Materials have been selected to be of a similar appearance to those of the existing dwelling.

**Plans Submitted**

The agent supplied the following, received on 3rd April 2019:

Drawing No: PD-01 - Location Plan

Drawing No: PD-03 - Block Plan

Drawing No: PD-04 – Existing Elevations

Drawing No: PD-05 – Proposed Site Plan

Drawing No: PD-06 – Proposed Floor Plans

Drawing No: PD-10 – Existing Plans

The agent supplied the following on 17th April 2019:

Drawing No: PD-07 – Proposed Elevations

**Relevant Planning History**

190559/HOU – Single storey rear extension – To be determined

**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 flat roof rear 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 relate to 'additions etc to the roof of a dwellinghouse'.

The relevant conditions of the GPDO for a rear dormer, 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; **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 dated 09/05/2019**

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.

#### Recommendation

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 drawings received on 3<sup>rd</sup> April 2019 and 17<sup>th</sup> April 2019

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The materials to be used in the construction of the external surfaces of the development have been confirmed shall match those used on the existing building.

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

Article 4 Direction



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