

Address: 49a George Street, Reading RG4 7QX

Application No: 191685/CLP

Proposal: Rear dormer window at 49a George Street

Case Officer: Anthony Scholes

Introduction & Proposal

The application site is a two storey, mid-terrace property. The surrounding area is predominantly residential with the rear of site currently in B8 (Storage and Distribution) use.

The applicant proposes a flat roof rear dormer window. The proposed development will increase the volume of the current roof space by 22.36m³.

Plans Submitted:

The agent submitted the following drawings, received on 21 October 2019 (unless where otherwise stated):

Drawing No: SU28 - PL-09 - Proposed elevations and section

Drawing No: SU28 - PL-06 - Proposed building plans

Drawing No: SU28 - PL-04 - Elevations and sections

Drawing No: SU28 - PL-03 - Existing building plans

Drawing No: SU28 - PL-01 - Site location, block and site plan

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:

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 Class B and Class C, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which relates to ‘the enlargement of a dwellinghouse consisting of an addition or alteration to its roof’.

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 50 cubic metres in the case of a semi-detached house; **COMPLIES, the proposed dormer extension measures 22.36m³ which is below the 50 cubic metres allowed.**
- B.1 (e) it would consist of or include (i) the construction or provision of a veranda, balcony or raised platform, 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.**

Development is permitted by Class B subject to the following conditions:

- B.2 (a) the materials used in any exterior work shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse; **COMPLIES, as shown on plans.**

- 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; 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**.
- B.2 (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be (i) obscure-glazed, and (ii) non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. **COMPLIES**.

Conclusion:

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 (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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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 Control

Complaints about construction

Encroachment and Party Wall

Bats and works to roofs

