

Address: 16 Newlands Avenue, Reading, RG4 8NS

Application No: 181041

Proposal: Rear dormer roof extension, 2 rooflights on front roofslope and 1 window / 1 extended pipe on side (south-east) elevation at second floor level

Case Officer: Jonathan Markwell

Introduction & Proposal

The application site comprises a two storey semi-detached house located on the north-east side of Newlands Avenue. The surrounding area is predominantly residential in nature with a variety of dwelling types. The building is not listed and not within a conservation area.

The applicant proposes a rear dormer roof extension, the provision of two rooflights on the front roofslope and one window / one extended soil and vent pipe on side (south-east) elevation at second floor level. The applicant has detailed on the plans the dimensions of the dormer, that the window in the side elevation will be obscure glazed / fixed shut upto 1.7m above the staircase at this point, that the external materials will match the existing and that the rooflights shall not protrude 150mm beyond the roofslope.

No explicit mention is made of the extended soil and vent pipe on the side elevation, but this element is shown on the plans and has therefore been assessed accordingly.

Plans Submitted:

The applicant has supplied the following drawings:

Location Plan, as received on 01/07/2018

L1 - Proposed Ground Floor Plan, as received on 01/07/2018

L2 - Proposed First Floor Plan, as received on 01/07/2018

L3 - Proposed Loft Plan, as received on 01/07/2018

L4 - Existing Elevations, as received on 01/07/2018

L5 - Proposed Elevations, as received on 01/07/2018

L7 - Existing Ground and First Plan, as received on 01/07/2018

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 of Class A (window in side elevation at second floor level); Class B (rear dormer), Class C (two rooflights in front roofslope) and Class G (pipe shown to be extended in height on side elevation at second floor level), Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO), which relates to 'enlargement, improvement or other alteration of a dwellinghouse' (Class A), 'the enlargement of a dwellinghouse consisting of an addition or alteration to its roof' (Class B), 'Any other alteration to the roof of a dwellinghouse' (Class C) and 'The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse' (Class G) respectively.

Class A - enlargement, improvement or other alteration of a dwellinghouse (window in side elevation at second floor level):

A.1 Development is not permitted by Class A 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) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); **COMPLIES**

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse; **COMPLIES**

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse; **N/A**

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse; **N/A - ALTERATION, NOT AN ENLARGEMENT**

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height; **N/A - ALTERATION, NOT AN ENLARGEMENT**

(g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height; **N/A - ALTERATION, NOT AN ENLARGEMENT**

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse; **N/A - ALTERATION, NOT AN ENLARGEMENT**

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres; **N/A - ALTERATION, NOT AN ENLARGEMENT**

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse; or **N/A - ALTERATION, NOT AN ENLARGEMENT**

(k) it would consist of or include—

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

(ii) the installation, alteration or replacement of a microwave antenna, **COMPLIES**

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, **COMPLIES (SEE SECTION G FOR ASSESSMENT OF SOIL & VENT PIPE)** or

(iv) an alteration to any part of the roof of the dwellinghouse. **COMPLIES**

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse. **NOT ARTICLE 2(3) LAND**

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; **COMPLIES AS STATED ON PLANS**

(b) any upper-floor window located in 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 window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; **COMPLIES - STATED ON THE PLANS TO COMPLY** and

(c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse. **N/A**

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 proposed dormers are 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, **N/A** or
 - (ii) 50 cubic metres in any other case; **COMPLIES - The resulting roof space would exceed the cubic content of the original roof space by 34.5m³**
- (e) it would consist of or include—
 - (i) the construction or provision of a verandah, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe
COMPLIES (SEE SECTION G FOR ASSESSMENT OF SOIL & VENT PIPE)
- (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 exterior materials will be of similar appearance to existing house finishes**
- (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
 - (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 - SEE SECTION A FOR ASSESSMENT OF SIDE WINDOW**

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**

(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 (SEE SECTION G FOR ASSESSMENT OF SOIL & VENT PIPE)**

(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

(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. **N/A - SEE SECTION A FOR ASSESSMENT OF SIDE WINDOW**

G. The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

G.1 Development is not permitted by Class G 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); **N/A**

(b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; **COMPLIES** or

(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the dwellinghouse. **N/A**

Conclusion

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Classes A, B, C & G 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:

Location Plan, as received on 01/07/2018

L1 - Proposed Ground Floor Plan, as received on 01/07/2018

L2 - Proposed First Floor Plan, as received on 01/07/2018

L3 - Proposed Loft Plan, as received on 01/07/2018

L4 - Existing Elevations, as received on 01/07/2018

L5 - Proposed Elevations, as received on 01/07/2018

L7 - Existing Ground and First Plan, as received on 01/07/2018

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) (below)

