

Address: 8 Albert Road

Application No: 180514/CLP

Proposal: Rear dormer roof extension and two rooflights on front roofslope

Case Officer: Tom French

Introduction & Proposal

The application site is a large Victorian semi-detached property with a two storey rear gable, a single storey rear extension and a shared gravel driveway to the side. The surrounding area is predominantly residential.

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

A rear dormer extension is proposed that would be 3.3m deep, 2.6m high and 5.2m long. Two rooflights are also proposed on the front roofslope.

Plans Submitted:

The agent supplied the following drawings:

- WD.001 - Existing Elevations
- WD.002 - Proposed Elevations
- WD.003 - Existing Floor Plans
- WD.005 - Proposed Floor Plans
- Site Plan
- Location Plan

As received: 21/03/2018

Relevant Planning History:

03/06/2013 - 130802 - FUL - Single storey rear extension - 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 of Classes B & C of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted

Development) (England) Order 2015, which relate to 'the enlargement of a dwelling house consisting of an addition or alteration to its roof' and 'Any other alteration to the roof of a dwellinghouse' respectively.

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 - The highest part of the extension would be 0.5m below the highest part of the existing roof**
- 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 - The extension is on the rear elevation**
- 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, or **N/A**
 - (ii) 50 cubic metres in any other case; **COMPLIES - the extension would result in an increase of 22.3m³**
- B.1 (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**

- 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 - The proposed plans indicate that the materials used will be: Roof covering grey slate brickwork, red stock brick, guttering and down pipes black plastic, windows white timber /aluminium and all external timber painted white.**
- 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 - The original eaves would be maintained and the enlargement closest to the eaves is 0.3m from the eaves**
 - (ii) and 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. **N/A - There are no windows proposed in the side elevations**

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 drawings show that the two roof lights in the front elevation would protrude 0.1m**

(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**

(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 proposed windows 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 proposed windows in the side elevation**

Conclusion

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

- WD.001 - Existing Elevations
- WD.002 - Proposed Elevations
- WD.003 - Existing Floor Plans
- WD.005 - Proposed Floor Plans
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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 applicants 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

