

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	A.C.	02.5.19
Planning Development Manager authorisation:	AN	2/5/19
Admin checks / despatch completed	KNE	03/05/19.

**Application:** 19/00522/LUPROP      **Town / Parish:** Harwich Town Council

**Applicant:** Mr and Mrs D Harris

**Address:** 676 Main Road Harwich Essex

**Development:** Proposed loft conversion including a rear facing dormer.

### 1. Town / Parish Council

Ms Lucy Ballard, Town  
Clerk Harwich Town  
Council

Harwich Town Council notes this application.

### 2. Consultation Responses

Not applicable

### 3. Planning History

19/00522/LUPROP Proposed loft conversion including a Current rear facing dormer.

### 4. Relevant Policies / Government Guidance

Not applicable

### 5. Officer Appraisal (including Site Description and Proposal)

#### Proposal

The application seeks a Lawful Development Certificate for a Proposed Development, in this case a loft conversion with rear facing dormer and forward-facing rooflights to a semi-detached bungalow at 676 Main Road, Dovercourt.

The rear dormer will measure 5m in width, 3.8m in depth and 2.52m in height. The height of the eaves will be 2.2m.

A lawful use certificate is 'a certificate issued by a local planning authority, on application, stating that an existing (LDC 191) or proposed use (LDC 192), or other forms of development, can be considered as lawful for planning purposes.'

The plans submitted with the application show the proposed extension.

### Assessment

The main considerations when determining this application are the site's Planning History and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### Planning History

The property was built prior to 1947; there have been no subsequent applications with conditions attached which would restrict permitted development rights nor are there any ongoing Enforcement Notices. The property's permitted development rights are therefore intact.

### General Permitted Development Order

This application seeks a lawful development certificate for a proposed development, relating to the construction of a rear dormer. The aim of this application is to establish whether or not this development would require planning permission. The certificate issued would state that the development is lawful and not at risk of being subject to enforcement action.

To establish whether the proposed development is permitted development, reference needs to be made to the Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposal falls to be considered under Schedule 2, Part 1, Class B of the order addressing the enlargement of a dwellinghouse consisting of an addition or alteration to its roof and Class C of the order addressing other alterations to the roof of a dwellinghouse.

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)

Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use). **The proposal 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

No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof. **The proposal 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

No 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. **The proposal complies.**

- (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  
(ii) 50 cubic metres in any other case;

The property is a semi-detached dwelling and, having a proposed cubic content of 19.4cbm, the resulting roofspace would not exceed the cubic content of the original roof space by more than 50cbm. **The proposal complies.**

(e) it would consist of or include:-

- (i) the construction or provision of a verandah, balcony or raised platform
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe

The proposal does not consist of or include the construction or provision of a verandah, balcony or raised platform or the installation, alteration or replacement of a chimney, flue or soil and vent pipe. **The proposal complies.**

(f) the dwellinghouse is on article 2(3) land.

The dwellinghouse is not on article 2(3) land. **The proposal complies.**

#### Conditions

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
- (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
    - (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
  - (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;
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be:-
  - (i) obscure-glazed
  - (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.

The proposal complies with Conditions B.2 (a), (b) (i) (aa) (bb) and (ii) and (c) (i) (ii).

#### 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.

#### Class C - other alterations to the roof of a dwellinghouse

##### Development not permitted

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).

Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use). **The proposal 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.

The alteration would not 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. **The proposal complies.**

- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof.

It would not result in the highest part of the alteration being higher than the highest part of the original roof. **The proposal complies.**

- (d) it would consist of or include:-

- (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The proposal does not consist of or include the installation, alteration or replacement of a chimney, flue or soil and vent pipe, solar photovoltaics or solar thermal equipment. **The proposal complies.**

#### Conditions

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
- (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.

There are no windows proposed to be located on a roof slope forming a side elevation of the dwellinghouse. **The proposal complies.**

#### Comments and/or Observation Received

The Town Council has noted the contents of the application.

#### Conclusion

The proposed loft conversion with rear dormer and front rooflights meet all the relevant criteria as set out above; it is concluded therefore that the proposed development constitutes Permitted development and the Lawful Development Certificate should therefore be issued.

#### 6. Recommendation

Permitted development

#### 7. Conditions / Reasons for Refusal

- 1 The proposed development constitutes Permitted Development by virtue of the provisions of Schedule 2, Part 1 Classes B & C of the Town & Country planning (General Permitted Development) (England) Order 2015 (as amended).

8. **Informatives**

<b>Are there any letters to be sent to applicant / agent with the decision?</b> If so please specify:	YES	NO
<b>Are there any third parties to be informed of the decision?</b> If so, please specify:	YES	NO