

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PW	16/7/19
Planning Development Manager authorisation:	TF	19/7/19
Admin checks / despatch completed	ER SB	19/7/19 19/07/19

**Application:** 19/00782/LUPROP                      **Town / Parish:** Lawford Parish Council

**Applicant:** Mr D D'Silva

**Address:** 266 Colchester Road Lawford Manningtree

**Development:** Proposed loft conversion, including a rear facing dormer and front facing roof lights.

### 1. Town / Parish Council

n/a

### 2. Consultation Responses

n/a

### 3. Planning History

04/01328/FUL	Single storey rear extension and conservatory.	Withdrawn	18.08.2004
05/00045/FUL	Rear single storey U.P.V.C. conservatory	Approved	07.03.2005
19/00782/LUPROP	Proposed loft conversion, including a rear facing dormer and front facing roof lights.	Current	

### 4. Relevant Policies / Government Guidance

n/a

### 5. Officer Appraisal

#### Site Description

The application site is on the east side of Colchester Road, Lawford. The site comprises a semi-detached two storey dwelling, constructed of red brick with render to the upper part of the front elevation. The site is within the Development Boundary of Manningtree.

#### Proposal

The application seeks a Lawful Development Certificate for a Proposed Development, in this case a loft conversion with roof light windows to the front and flat roof dormer to the rear.

The additional cubic content of the resulting roof space will be 28.5 cubic metres.

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 loft conversion.

### **Assessment**

The main considerations are Planning History and the General Permitted Development Order.

#### **Planning History**

The dwelling was constructed prior to 1948, so was not subject to planning permission. As such, it benefits from permitted development rights.

#### **General Permitted Development Order**

This application seeks a lawful development certificate for a proposed development, relating to the conversion of the loft space and addition of roof light windows and a dormer window. 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.

### **Dormer**

The proposed dormer falls to be considered under Schedule 2, Part 1, Class B of the order - '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);

***Not applicable.***

- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

***The height of the proposed works does not exceed the height of the existing roof.***

- (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;

***The proposed dormers only extend beyond the rear elevation, which does not front a highway.***

- (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 cubic content of the resulting roof space will not exceed that of the original roof space by more than 50 cubic metres.***

- (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; or

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

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

**Not applicable.**

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;

**All materials to be used must match those used in 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; and

**The eaves will be maintained.**

- (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

**The edge of the enlargement is not less than 0.2m from 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; and

**The enlargement does not extend beyond the outside face of any external wall.**

- (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.

**There are no windows to be inserted on a wall or roof slope that forms a side elevation of the dwellinghouse.**

### **Velux Windows**

The proposed roof light windows to the front roof slope falls to be considered under Schedule 2, Part 1, Class C of the order - '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);

**Not applicable.**

- (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 will not protrude more than 0.15 metres beyond the plane of the slope of the original roof.***

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

***The highest part of the alteration will not be higher than the highest part of the original roof.***

- (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 include the construction of a verandah, balcony or raised platform, or the installation, alteration or replacement of a chimney, flue of soil and vent pipe.***

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.

***The windows will not be located on a roof slope forming a side elevation.***

**6. Recommendation**

Lawful Use Certificate Granted

**7. Conditions**

- 1 The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1 Classes B and C of the Town & Country Planning (General Permitted Development) (England) Order 2015. This definition is subject to the conditions set out therein.

**8. Informatives**

n/a

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