

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	13/08/2019
Planning Development Manager authorisation:	TF	14/08/2019
Admin checks / despatch completed	AP	14/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	WAL	14/08/19

**Application:** 19/00918/LUPROP **Town / Parish:** Clacton Non Parished

**Applicant:** Mr and Mrs Arber

**Address:** 134 Chilburn Road Clacton On Sea Essex

**Development:** Proposed internal alterations at ground and first floor to include new velux rooflight.

1. **Town / Parish Council**  
Clacton non parished
2. **Consultation Responses**  
Not applicable
3. **Planning History**  
Not applicable
4. **Relevant Policies / Government Guidance**  
Not applicable

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

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

### Site Description

The application relates to 134 Chilburn Road within the development boundary of Clacton.

### Description of Proposal

This application seeks permission for the provision of 1 roof light to the side of the house.

The plans have since been amended to show that the new window will be obscure glazed and fixed shut in line with the criteria of Class C.

### Assessment

For the purposes of determining this application for a certificate of lawful development for a proposed use, the main considerations are;

- Planning History;
- General Permitted Development Order Class C; and,
- Other Considerations.

### Planning History

The application dwelling was constructed prior to 1948. Therefore, the permitted development rights for the property still exist.

### General Permitted Development Order

This application seeks a lawful development certificate for a proposed development, relating to the addition of 1 roof light. 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) Order 2015.

ROOFLIGHTS - Any other alteration to the roof of a dwellinghouse Schedule 2, Part 1, Class C of the order.

This states that development is not permitted by Class C as a result of the works, the additions and alterations to the roof of the dwelling house;

a) permission to use the dwelling house 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);

**The use of the dwelling has not been granted by virtue of the above classes.**

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 beyond the roof plane of the original roof by more than 0.15m**

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

**The proposed roof light will not be higher than the highest part of the 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 any of the above.**

Any window located on a roof slope forming a side elevation of the dwelling house shall 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 proposed roof light will be sited to the side and obscure glazed.**

Other Considerations

No letters of representation have been received.

No Parish Comments have been received as Clacton is a non parished area.

Conclusion

It is therefore concluded that the proposed roof light is permitted development.

Therefore a Certificate of Proposed Lawful Development can be issued.

**6. Recommendation**

Lawful Use Certificate Granted

**7. Conditions / Reasons for Refusal**

- 1 The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class C of The Town and Country Planning (General Permitted Development) (England) Order 2015.

**8. Informatives**

Not applicable

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