

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	28/11/2019
Planning Development Manager authorisation:	AN	3/12/19
Admin checks / despatch completed	CC	3.12.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	EN	3/12/19

Application: 19/01504/LUPROP **Town / Parish:** Brightlingsea Town Council

Applicant: Mr and Mrs Nation

Address: 96A Red Barn Road Brightlingsea Colchester

Development: Proposed rear dormer and roof lights.

1. Town / Parish Council

Brightlingsea Town Council Parish Notified for Information Only - No comments received.

2. Consultation Responses

N/A

3. Planning History

02/00601/OUT	Re-development of site for housing (land forming part of car park to existing factory)	Refused	27.05.2002
04/00165/DETAIL	Erection of 4 No. houses and 25 No. flats	Approved	01.04.2004
04/01808/DETAIL	Landscaping scheme in relation to planning permission 02/00601/OUT	Approved	25.11.2004
19/01504/LUPROP	Proposed rear dormer and roof lights.	Current	

4. Relevant Policies / Government Guidance

N/A

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located to the north of Red Barn Road, inside the development boundary of Brightlingsea. It serves a semi detached two storey dwelling constructed of buff brick and a tile roof, with a forward facing gable on the front elevation. The front of the site is laid to lawn with a pathway leading to the front door. The rear of the site is laid to lawn with a small patio adjacent to the dwelling and 1.8m close boarded fencing on the boundaries. Parking is available to the rear of the application site.

Proposal

The application seeks the issuing of a Lawful Development Certificate for a proposed flat roof rear dormer and 3 no. front facing roof lights.

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.'

Planning History

The dwelling, known as 96A Red Barn Road, Brightlingsea, was granted outline planning consent under application reference 02/00601/OUT (allowed at appeal - reference: APP/P1560/A/02/1096238), followed by approval of reserved matters under reference 04/00165/DETAIL. The property still benefits from having its permitted development rights intact.

Assessment

General Permitted Development Order

The purpose of this application is to establish whether the proposed development is permitted development. For the determination of the application reference needs to be made to the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1.

Dormer Window:

Class 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);

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 dormer will not exceed the height of the highest part 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 dormer is located on the rear roof slope of the dwelling.

(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 would not exceed 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

None of the above are included in the proposed plans.

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

Not applicable.

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;

The proposed plans confirm that the new dormer will be finished with plain hanging tiles to match the existing roof.

(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;

The eaves of the roof are 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 dormer is situated approximately 0.7m from the eaves of the dwelling.

(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 dormer 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.

No windows are proposed in the side elevations of the dormer.

Roof Lights:

Class C - other alterations 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 proposed plans confirm that the roof lights will not protrude more than 150mm above the existing roof plane.

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

The roof lights would be situated on the roof plane and would not be located 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.

Not applicable.

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; 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.

Not applicable.

Conclusion

The proposed rear facing dormer and front facing roof lights meets all of the relevant criteria as set out above and it must be concluded to be permitted development. The Lawful Development Certificate for the proposed development can therefore be issued.

6. Recommendation

Lawful Use Certificate Granted

7. Conditions

- 1 The proposed development, shown on Drawing Number N/4478/19/PL-01, 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

N/A

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