

**DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	AC	24 <sup>th</sup> Aug 20
Planning Development Manager authorisation:	AN	24/08/2020
Admin checks / despatch completed	CC	24/08/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	24/08/2020

**Application:** 20/00853/LUPROP                      **Town / Parish:** Clacton Non Parished

**Applicant:** Mrs Sarah Bockhart

**Address:** Raybearne 4 Salisbury Road Holland On Sea

**Development:** Proposed loft conversion with 3no. skylights to front and dormer to the rear.

**1. Town / Parish Council**

No comments received

**2. Consultation Responses**

No comments received

**3. Planning History**

20/00853/LUPROP      Proposed loft conversion with 3no.      Current  
skylights to front and dormer to the  
rear.

**4. Relevant Policies / Government Guidance**

Town and Country Planning Act 1990  
The Town and Country Planning (General Permitted Development) (England) Order 2015

**5. Officer Appraisal**

Section 55 of the Town & Country Planning Act states “except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”. The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land (a) the carrying out for the maintenance, improvement or other alteration of any building of works which (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building.

The works to convert the existing space, which already contains two bedrooms would involve building operations to carry out an improvement or other alteration which affect only the interior of the building. Accordingly the loft conversion does not amount to operational development and an express grant of planning permission is not required.

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);

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;

In the case of a detached house, the cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 50 cubic metres. **The proposal complies.**

- (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;

The proposal would 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; or

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

- (g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses);

The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses). **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; 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; and
  - (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
- (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.

Conditions (a), (b) and (c) are met.

## 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) –

- (a) 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; and
- (b) “rear or side extension” includes an original part of, or a subsequent extension of, the dwellinghouse that extends from the rear or side of the principal part of the original dwellinghouse.

Class 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);

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,  
(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

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

- (e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses);

The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses). **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; 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 proposal complies with Conditions C.2 (a) and (b).

## 6. Recommendation

Permitted development

## 7. Conditions

- 1 The conversion of the loft space to habitable accommodation does not amount to operational development under Section 55 of the Town and Country Planning Act 1990 as it affects only the interior of the building; an express grant of planning permission is not required.
- 2 The forward-facing rooflights comply with the criterion laid out in Schedule 2, Part 1, Class C of The Town and Country Planning (General Permitted Development) (England) Order 2015 and an express grant of planning permission is not required.

- 3 The rear dormer complies with the criterion laid out in Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 and an express grant of planning permission is not required.

**8. Informatives**

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO