

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	22/10/2020
Planning Development Manager authorisation:	TF	22/10/2020
Admin checks / despatch completed	DB	22/10/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	22/10/2020

Application: 20/01187/LUPROP **Town / Parish:** Ardleigh Parish Council

Applicant: Mr and Mrs M Spurgin

Address: 4 Aveline Road Ardleigh Colchester

Development: Proposed loft conversion with rear dormer and front facing roof lights.

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

88/00809/FUL	Licensed repair (partial re-building works)	Approved	26.07.1988
12/60194/HOUENQ	Erect 5ft concrete post and wooden paneled fence on the front side boundary to no. 6, total length 30 fit/8.5m		03.05.2012
20/01187/LUPROP	Proposed loft conversion with rear dormer and front facing roof lights.	Current	

4. Relevant Policies / Government Guidance

n/a

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption,

modifications will be required – including the removal of two of the three Garden Communities ‘Garden Communities’ proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector’s advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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

Site Description

4 Aveline Road is a semi-detached former council house located on a spacious plot on a small development where some of the houses are still under council ownership. The host dwelling has been modernised with a red brick finish, a single storey side extension and rear conservatory. The application site is within development boundary of Ardleigh.

Description of proposal

The application seeks a Lawful Development Certificate for a Proposed Development, in this case a loft conversion, with a rear facing dormer with one window and openings doors enclosed by a Juliet balcony. Three roof lights will be inserted onto the front roof slope. The additional space created will provide an additional bedroom and en suite bathroom.

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 shows the loft conversion and associated alterations.

Assessment

Main considerations are;

- Planning History
- General Permitted Development Order

Planning History

The property was built prior to 1947. There is no planning history for the property that restricts permitted development rights, meaning 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 a loft conversion with 3 roof lights. 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.

Class B - the enlargement of a dwellinghouse consisting of an addition or alteration to its roof:-

(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) would exceed the height of the highest part of the existing roof;

The proposed loft conversion will not exceed the height of the highest part of the roof of the existing dwelling.

(c) would extend beyond the plane of any existing roof slope which forms the principal elevation and fronts a highway;

The proposed loft conversion will not extend beyond the plane of any existing roof slope which forms the principal elevation and fronts a highway. The dormer is located on the rear roof slope.

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roofspace by more than –

- (i) 40 cubic metres in the case of a terrace house, or
- (ii) 50 cubic metres in any other case;

An addition of a conservatory and side extension exists at 4 Aveline Road. The roof space of the conservatory and side extension is 11.5 cubic metres. The proposed loft conversion to the semi-detached house creates additional roof space of 29.42 cubic metres. The cubic content of the resulting roof space does not exceed the cubic content of the original roof space by more than 50 cubic metres.

(e) would consist of:

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

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

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

The application site is not situated within a Conservation Area (article 2 (3) land).

B.2 Conditions:-

(a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposed materials to be used will match those used in the existing dwelling.

(b) (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 of the original roof will be maintained following the construction of the proposal.

(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 enlargement is not less than 0.2 metres 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 of the original dwellinghouse.

(c) any windows inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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.

Not applicable.

Class C – Any other alteration to the roof of a dwellinghouse

(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 roof lights would 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 proposal does not affect the height 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 or provision of a veranda, balcony or raised platform or the installation, alteration or replacement of a chimney, flue, soil and vent pipe, solar voltaics or solar thermal equipment.

C.2 Conditions:-

Any window located on a roof slope forming a side elevation of the dwellinghouse 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.

There are no windows 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 and Country Planning (General Permitted Development) (England) Order 2015. This definition is subject to the conditions set out

therein, namely that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

8. Informatives

n/a

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