

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	24/06/2021
Planning Development Manager authorisation:	TF	25/06/2021
Admin checks / despatch completed	CC	25.06.2021
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Application: 21/00888/LUPROP **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Ed Powell - My Planning Drawings

Address: 19 Church Road Walton On The Naze Essex

Development: Proposed loft conversion with rear dormer and single storey rear extensions to kitchen.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL NOTED
04.06.2021

2. Consultation Responses

Not applicable

3. Planning History

21/00888/LUPROP Proposed loft conversion with Current
rear dormer and single storey
rear extensions to kitchen.

4. Relevant Policies / Government Guidance

Not applicable

5. Officer Appraisal (including Site Description and Proposal)

Site description

The application site comprises of a two terraced dwelling with small temporary extension to rear. This and the neighbouring dwellings rear gardens are accessed via a public path at the rear. Sited along the neighbouring boundaries is existing close boarded fencing varying in height.

Description of proposal

This application seeks the issuing of a Lawful Development Certificate for the proposed development of a single storey rear extensions and rear facing dormer window.

Amended plans have since been received showing that the proposed dormer window will be tile hung to comply with the relevant condition in Class B.

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'.

Main considerations are:

- Planning history
- General Permitted Development Order
- Conclusion

Planning History

The application dwelling was erected prior to 1948 and therefore benefits from having its permitted development rights still intact.

General Permitted Development Order

CLASS A - The enlargement, improvement or other alteration 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 total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The total area covered by the proposal and existing buildings will not exceed 50% of the total area.

(c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

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

(d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The eaves height of the proposed extensions will not exceed that of the existing.

(e) The enlarged part of the dwellinghouse would extend beyond a wall which
 (i) fronts a highway, and
 (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

The proposed extensions will be to the rear and therefore complies with the above.

(f) The enlarged part of the dwellinghouse would have a single storey and
 (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 (ii) exceed 4 metres in height;

The proposal will not exceed 4m in depth.

(g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—
 (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 (ii) exceed 4 metres in height;

The proposal complies with the above.

(h) The enlarged part of the dwellinghouse would have more than one storey and would
 (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The proposed extension is single storey.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The proposal complies.

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would
 - (i) exceed 4 metres in height,
 - (ii) have more than one storey, or
- (ii) have a width greater than half the width of the original dwellinghouse;

The proposal is to the rear and therefore complies with the above.

- (k) (j) It would consist of or include
 - (i) the construction or provision of a veranda, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse.

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

A.2

In the case of a dwellinghouse is on article (3) land development is also not permitted by Class A if

- (a) It would consists of or include the cladding of any part of the exterior of the dwellinghouse with, artificial stone, pebble sash, render, timber, plastic or tiles;
- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

The application site is not situated on article 2(3) land.

A.3 Conditions

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

The proposed materials will match those used in the host dwelling as stated on the submitted plan.

- (b) any upper-floor window located in 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; and

The proposal is single storey.

- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposal is single storey.

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

This states that development is not permitted by Class B if as a result of the works, the additions and alterations to the roof of the 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);

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

(b) Would exceed the height of the highest part of the existing roof;

The proposed dormer will not exceed the height of the existing roof.

(c) Would 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 to the rear, not fronting 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 is under the 40 cubic metres allowed.

(e) it would consist of or include -

(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; or

The proposed works do not include any of the above.

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

The dwelling is not on article 2(3) land.

Conditions relating to Class B include:

(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 dormer will be completed in hanging tiles to match the roof of the existing dwelling.

(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 of a rear or side extension;

aa) the eaves of the original roof are maintained or reinstated.

The proposal will not have an impact on the eaves of the existing dwelling.

bb) the edge of the enlargement closest to the eaves of the original roof is, so far as is practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outer edge of the eaves; and

The proposal will be sited more than 0.2m away from the eaves of the existing 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 dwelling.

The proposal will protrude from the existing roof of the dwelling and not beyond the outside face of any external wall.

- (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 1.7m above the floor of the room in which the window is installed.

The proposal complies.

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) 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.

Other Considerations

Frinton and Walton Town Council have noted the application.
No other letters of representation have been received.

Conclusion

The proposal meets all the relevant criteria as set out above; it is concluded therefore that the proposed development constitutes permitted development and the Lawful Development Certificate should therefore be issued.

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, Class A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

8. Informatives

N/A