



# TENDRING DISTRICT COUNCIL

## Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

**AGENT:** Roger Crimlis - Architecture + Urban Design Bureau  
60 Farleigh Road  
London  
United Kingdom  
N16 7TQ

**APPLICANT:** Maria Evagora  
9 Martello Road  
Walton On The Naze  
Essex  
CO14 8BP

### CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

#### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) SECTION 192

**APPLICATION NO:** 21/00927/LUPROP      **DATE REGISTERED:** 26th May 2021

The Tendring District Council certify that on 26th May 2021 the matter described in the First Schedule in respect of the land specified in the Second Schedule and edged RED on the plan attached to this certificate, would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

- 1 Town and Country Planning Act 1990, section 55 sets out the definition of development. Development is defined as 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 alterations, amounting to creating a door opening and replace a window opening with a door opening in the ground floor rear elevation, removing a door and window and the enlargement of an existing window opening in the flank elevation of the rear out-rigger do not materially affect the external appearance of the building and do not amount to operational development for which an express grant of planning permission would be required.
- 2 The insertion of a rooflight in the rear-facing roofslope of the outrigger complies with the criteria set out in Schedule 2, Part 1, Class C of Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and an express grant of planning permission is not required.

**DATED:** 21st July 2021

**SIGNED:**

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Graham Nourse  
Assistant Director  
Planning Service

**FIRST SCHEDULE**

Proposal to make alterations to external doors and windows at the rear of the building and to add a Velux window into a pitched roof at the rear of the building.

**SECOND SCHEDULE**

9 Martello Road Walton On The Naze Essex CO14 8BP

*Notes*

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the matter specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and thus was not liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso on Section 192 (4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

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