

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	20 th July 2021
Planning Development Manager authorisation:	SCE	21.07.2021
Admin checks / despatch completed	ER	21/07/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	21.07.2021

Application: 21/00927/LUPROP **Town / Parish:** Frinton & Walton Town Council

Applicant: Maria Evagora

Address: 9 Martello Road Walton On The Naze Essex

Development: 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.

1. Town / Parish Council

Frinton & Walton Town
Council Noted
28.06.2021

2. Consultation Responses

No comments received

3. Planning History

21/00927/LUPROP Proposal to make alterations to Current
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.

4. Relevant Legislation

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

5. Officer Appraisal

Alterations to external doors and windows at the rear of the building

The 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 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 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.

As such, the alterations do not amount to operational development for which an express grant of planning permission would be required.

Velux window into a pitched roof at the rear of the building.

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, PA 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, or
- (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).

The rooflight in the rear roofslope of the outrigger amount to development automatically granted planning permission by reason of Schedule 2, Part 1, Class C of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and an express grant of planning permission is not required.

6. Recommendation

Permitted development

7. Reasons

- 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.

8. Informatives

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