

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	16.09.2021
Planning Development Manager authorisation:	AN	16/09/21
Admin checks / despatch completed	DB	16.09.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	16.09.2021

Application: 21/01309/LUPROP **Town / Parish:** Bradfield Parish Council

Applicant: Mr and Mrs H Cronin

Address: Pippins Heath Road Bradfield

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

1. Town / Parish Council

Bradfield Parish Council No Comments

2. Consultation Responses

Not Applicable

3. Planning History

91/01449/OUT Bungalow and garage (renewal of TEN/2431/88) Approved 22.01.1992

21/01309/LUPRO
P Proposed loft conversion including a rear facing dormer and front facing roof lights. Current

4. Relevant Policies / Government Guidance

Not Applicable.

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and

now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to the emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

The application seeks a Lawful Development Certificate for a Proposed Development, in this case a loft conversion with a rear facing dormer and front facing roof lights at Pippins Heath Road, Bradfield, Manningtree.

The rear dormer will measure 4 metres deep, 7.8 metres wide and have an overall height of 2.7 metres.

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 show the proposed loft conversion with rear dormer and front facing roof lights.

Assessment

The main considerations when determining this application are the site's Planning History and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Planning History

There have been no applications with conditions attached which would restrict permitted development rights nor are there any ongoing Enforcement Notices. The property's permitted development rights are therefore intact.

General Permitted Development Order

This application seeks a lawful development certificate for a proposed development, relating to the construction of a rear dormer and velux windows. 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, as amended.

The proposed rear dormer has been assessed under schedule 2, Part 1, Class B or the Order addressing the enlargement of a dwellinghouse consisting of an addition or alteration to its roof

and the roof lights under Class C of the order addressing other alterations to the roof of a dwellinghouse.

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 dwelling house 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) would 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) would extend beyond the plane of any existing roof slope which forms the principal elevation 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 dwelling house and front a highway. **The proposal complies.**

(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;

The property is a detached dwelling and, having a proposed cubic content of 42.12 cbm, the resulting roof space would not exceed the cubic content of the original roof space by more than 50cbm. **The proposal complies.**

(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 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

The dwellinghouse if not on article 2(3) land. **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 shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(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

(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 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.

The proposal complies with conditions B.2 (a), (b) (i) (aa) and (ii) and (c) (i) (ii)

Class C - Other alterations 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 dwelling house 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 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; or

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 does not consist of or include the installation, alteration or replacement of a chimney, flue or soil and vent pipe, solar photovoltaics or solar thermal equipment. **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 obscure-glazed; and

- (a) 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 new windows proposed to be located on a roof slope forming a side elevation of the dwellinghouse. The proposed velux windows shall be constructed 1.7 metres above the floor of the room in which the window is to be installed. **The proposal complies.**

Other considerations

6. Recommendation

Lawful Use Certificate Granted

7. Conditions / Reasons for Refusal

- 1 The proposed development constitutes Permitted Development by virtue of the provisions of Schedule 2, Part 1 Classes B & C of the Town & Country planning (General Permitted Development) (England) Order 2015 (as amended). Subject to the conditions set in part B.2 and C.2.

8. Informatives

Not Applicable.

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