

DELEGATED DECISION OFFICER REPORT

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Application: 22/00308/LUPROP **Town / Parish:** Great Oakley Parish Council

Applicant: Mr Gordon Lovelock

Address: Suncroft Red Barn Lane Great Oakley

Development: Proposed single storey rear and side extensions, replacement porch and loft conversion including rear dormer.

1. Town / Parish Council

Great Oakley Parish Council No comments received.

2. Consultation Responses

N/A

3. Planning History

22/00308/LUPRO P Proposed single storey rear and side extensions, replacement porch and loft conversion including rear dormer. Current

4. Relevant Policies / Government Guidance

N/A

Status of the Local Plan

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

Suncroft, Red Barn Lane, is a detached bungalow located on a spacious plot, set back from the road. The host dwelling is finished in red brickwork with a red clay tile roof. The application site is within development boundary of Great Oakley.

Description of proposal

The application seeks a Lawful Development Certificate for a Proposed Development, in this case, single storey rear and side extensions, replacement porch and loft conversion including rear dormer.

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 extensions, loft conversion and associated alterations.

Assessment

Main considerations are;

- Planning History
- General Permitted Development Order

Planning History

There is no planning history for the property restricting permitted development rights; therefore, these rights for the property still exist.

General Permitted Development Order

This application seeks a lawful development certificate for a proposed development, relating to single storey rear and side extensions, replacement porch, loft conversion including rear dormer and five 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 A – enlargement, improvement or other alteration of a dwellinghouse

Development not permitted

A.1 Development is not permitted by Class A if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

N/A

(b) as a result of the works, 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);

N/A

(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 rear and side extensions would not exceed the height of the highest part of the roof of the existing dwellinghouse.

(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 height of the eaves of the extension would not exceed the height of the eaves of the existing dwellinghouse.

(e)the enlarged part of the dwellinghouse would extend beyond a wall which—

(i)forms the principal elevation of the original dwellinghouse; or

(ii)fronts a highway and forms a side elevation of the original dwellinghouse;

The proposal would not extend beyond the principle elevation nor front a highway.

(f)subject to paragraph (g), 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 would not exceed 4 metres in depth or 4 metres in height.

(g)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;

N/A

(h)the enlarged part of the dwellinghouse would have more than a single storey and—

(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 being enlarged which is opposite the rear wall of that dwellinghouse;

The proposal extensions would be 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 enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse; however, the eaves of the enlarged part would not exceed 3 metres.

(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 a single storey, or

(iii)have a width greater than half the width of the original dwellinghouse;

The side extension would be single storey, have a width less than 50% of the original dwellinghouse and not exceed 4 metres in height,

(ja)any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

N/A

(k)it would consist of or include—

- (i)the construction or provision of a verandah, 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

In relation to (iv) the roof alterations proposed are assessed separately below. Other criteria are n/a

(l)the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

The dwelling was not built under Part 20.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a)it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, 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 a single storey and extend beyond the rear wall of the original dwellinghouse;
- (d)any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (b) and (c).

The dwelling is not on article 2(3) land, therefore the proposal complies.

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

Development not permitted

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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

N/A

(b)any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The proposed dormer would not exceed the height of the highest part of the existing roof.

(c)any 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 dwellinghouse and fronts a highway;

The dormer would be located to the rear of the dwelling.

(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 would measure a combined 49.94 cubic metres therefore the proposal complies.

(e)it would consist of or include—

(i)the construction or provision of a verandah, 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.

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

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

(g)the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)]
or

(h)the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

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 must 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)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

The proposal complies.

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

Class C – other alterations to the roof of a dwellinghouse

Development not permitted

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 G, M, MA, N, P, PA 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 proposal complies.

(c)it would 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 or

The proposal complies.

(e)the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

The proposal complies.

D. The erection or construction of a porch outside any external door of a dwellinghouse.

D.1 Development is not permitted by Class D if—

(a)permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P ,PA or Q of Part 3 of this Schedule (changes of use);

The proposal complies.

(b)the ground area (measured externally) of the structure would exceed 3 square metres;

The ground area of the proposed porch would not exceed 3 square metres (Measured externally).

(c)any part of the structure would be more than 3 metres above ground level;

The proposal complies.

(d)any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway or

The porch would be further than 2 metres from the highway.

(e)the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

The proposal complies.

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 A, B, C and D 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