

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	14/09/2022
Planning Development Manager authorisation:	AN	14/9/22
Admin checks / despatch completed	ER	15/09/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	15/09/2022

**Application:** 22/01252/LUPROP                      **Town / Parish:** Brightlingsea Town Council

**Applicant:** Ms Cheryl Jessop

**Address:** 14 Albert Road Brightlingsea Colchester

**Development:** Proposed improvement of existing single storey rear conservatory.

### **1. Town / Parish Council**

Brightlingsea Town Council                      No Comments

### **2. Consultation Responses**

Not Applicable

### **3. Planning History**

22/01252/LUPRO                      Proposed improvement of existing                      Current  
P    single storey rear conservatory.

### **4. Relevant Policies / Government Guidance**

Not Applicable

### **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.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate

buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

## **5. Officer Appraisal**

### Proposal

The application seeks a Lawful Development Certificate for a Proposed Development, in this case for improvements to the existing uninsulated. Polycarbonate roofed rear single storey conservatory into an insulated roofed orangery, with insulated existing dwarf walls and new walling sections, reduction of glazing, addition of skylight. It will have matching materials and finish to existing. The footprint of the conservatory is to remain the same.

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 extension.

### Assessment

The main Considerations are;

- Planning History
- General Permitted Development Order

### Planning History

There is no planning history on the property restricting the permitted development rights. Therefore the rights for the property still exist.

### General Permitted Development Order

This application seeks a lawful development certificate for a proposed development, relating to improvements to a rear conservatory and the installation of a skylight. 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 to 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 - the enlargement, improvement or other alteration of a dwellinghouse

A.1 Development is not permitted if as a result of the works;

- (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);

Not Applicable. **The proposal complies.**

- (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);

Not Applicable – The footprint of the existing conservatory is not being altered and does not exceed 50% of the total area of the curtilage. **The proposal complies.**

- (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 roof is not being altered and does not exceed the height of the highest part of the roof of the existing dwellinghouse. **The proposal complies.**

- (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 is not being altered and will not exceed that of the existing. **The proposal complies.**

- (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 footprint of the conservatory is not being enlarged, is located to the rear of the dwelling and does not front a highway. **The proposal complies.**

- (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;

It is not proposed to extend the conservatory. **The proposal complies.**

- (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;

It is not proposed to extend the conservatory. **The proposal complies.**

- (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 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 conservatory is single storey. **The proposal complies.**

- (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 height of the eaves is not being altered. **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
  - (iii) have a width greater than half the width of the original dwellinghouse; or

The proposal does not extend beyond a wall forming a side elevation **The proposal complies.**

- (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);

Any total enlargement does not exceed the limits set out above. **The proposal complies.**

- (k) 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
  - (iii) an alteration to any part of the roof of the dwellinghouse.

The proposal does not include the installation of those elements mentioned above. **The proposal complies.**

- (L) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

The dwelling house was not built under part 20 of this Schedule. **The proposal complies.**

**A.2** In the case of a **dwellinghouse is on article 2(3) land** development is also not permitted by Class 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.
- (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 sub-paragraphs (b) and (c).”;

Not applicable. **The proposal complies.**

### **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 proposal will be constructed using materials of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. **The proposal complies.**

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be
- (j) 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

**not applicable.**

- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.”;

**not applicable.**

Class C – Any other alteration to the roof 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. **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 skylight does not protrude more than 0.15 metres beyond the plane of the slope 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

The skylight does 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 include the installation of those elements mentioned above. **The proposal complies.**

## C.2 Conditions

Any window located on a roof slope forming a side elevation of the dwellinghouse shall 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 skylight is not located on a roof slope forming a side elevation. **The proposal complies.**

The proposal is therefore consistent with the above mentioned ordered and is classed as permitted development.

## 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, Class A and Class C 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**

Not Applicable.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO