

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	03/05/2022
Planning Development Manager authorisation:	AN	04/05/2022
Admin checks / despatch completed	ER	04/05/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	04.05.2022

Application: 22/00441/LUPROP **Town / Parish:** Brightlingsea Town Council
Applicant: Mr and Mrs Wainford
Address: 9 Western Road Brightlingsea Colchester
Development: Construction of flat roof dormer to existing loft conversion.

1. Town / Parish Council

n/a

2. Consultation Responses

n/a

3. Planning History

16/01490/HHPNO Proposed single storey rear 18.10.2016
T extension, 5.995m depth and
 2.760m height.

22/00441/LUPRO Construction of flat roof dormer to Current
P existing loft conversion.

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

Site Description

9 Western Road is a semi-detached house close to Brightlingsea town centre. Western Road is made up of varying house types, detached and semi-detached houses and bungalows and a converted factory which have all developed over time. The host dwelling is finished in pebbledash render under tile roof. A single storey flat roof rear extension was permitted in 2016. The application site is within development boundary of Brightlingsea.

Description of proposal

The application seeks a Lawful Development Certificate for a Proposed Development, in this case a loft conversion, comprising a rear flat roof dormer and two roof lights will be inserted into the front roof slope. The additional space created will provide two bedrooms.

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 shows the loft conversion and associated alterations.

Assessment

Main considerations are;

- Planning History
- General Permitted Development Order

Planning History

The property was built prior to 1947. There is no planning history for the property that restricts permitted development rights, meaning the permitted development rights for the property still exist.

General Permitted Development Order

This application seeks a lawful development certificate for a proposed development, relating to a loft conversion with rear dormer and two roof lights on the front roof slope. 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 B - the enlargement of a dwellinghouse consisting of an addition or alteration to its roof:-

(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.

(b) would exceed the height of the highest part of the existing roof;

The proposed loft conversion will not exceed the height of the highest part of the roof of the existing dwelling.

(c) would extend beyond the plane of any existing roof slope which forms the principal elevation and fronts a highway;

The proposed loft conversion will not extend beyond the plane of any existing roof slope which forms the principal elevation and fronts a highway. The proposed dormer is at the rear of the property.

(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 cubic content of the resulting roof space does not exceed the cubic content of the original roof space by more than 50 cubic metres.

(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 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.

- (e) the dwellinghouse is on article 2(3) land.

The application site is not situated within a Conservation Area (article 2 (3) land).

B.2 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;

The proposed materials of hanging roof tiles to the face and sides of the dormer will match those tiles used in the existing roof.

- (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

The eaves of the original roof will be maintained following the construction of the proposal.

- (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

The enlargement is not less than 0.2 metres from the eaves.

- (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 enlargement does not extend beyond the outside face of any external wall of the original dwellinghouse.

- (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.

No new windows are being inserted into a side elevation wall of roof slope.

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

- (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 roof lights would not protrude more than 0.15 metres beyond the plane of the slope of the original roof.

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

The proposal does not affect the height of the original roof.

(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 construction or provision of a veranda, balcony or raised platform or the installation, alteration or replacement of a chimney, flue, soil and vent pipe, solar voltaics or solar thermal equipment.

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.

There are no windows located on a roof slope forming a side elevation.

Other Considerations

One letter has been received raising concerns about the integrity of the structure of the building and the party wall. The structural matters will be dealt with through Building Regulations. The applicant may be required to notify the neighbour of any works affecting the party wall and an informative to this effect will be placed on the issue of a lawful development certificate.

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 B and 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**

You may be required to give notice to your neighbours of your intentions under the Party Wall etc. Act 1996. Further information can be found on the government website. <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance#introduction>

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