

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	AP	14/11/2022
Planning Development Manager authorisation:	SCE	15.11.2022
Admin checks / despatch completed	CC	15.11.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	15.11.2022

**Application:** 22/01556/LUPROP      **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr and Mrs Austen

**Address:** 55 Branscombe Close Frinton On Sea Essex

**Development:** Proposed single storey rear elevation, rear elevation dormer and roof light to front elevation.

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

FRINTON & WALTON      Noted.  
TOWN COUNCIL  
28.10.2022

### **2. Consultation Responses**

n/a

### **3. Planning History**

22/01556/LUPRO P	Proposed single storey rear elevation, rear elevation dormer and roof light to front elevation.	Current
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### **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**

The application site is 55 Branscombe Close, a south facing, semi-detached bungalow finished mainly in brickwork with render inserts under a tiled pitched roof. The application site lies within the development boundary of Frinton, Walton and Kirby Cross.

### Description of Proposal

This application seeks a Lawful Development Certificate for a Proposed Development, in this case a single storey pitched roof rear extension, a flat roof rear facing dormer and one roof light on the front facing roof slope. The single storey rear extension will create an open plan family room, while at first floor an additional bedroom and bathroom will be formed.

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 single storey rear extension, rear facing flat roof dormer and the roof light on the front roof slope.

### Assessment

Main considerations are;

- Planning History
- General Permitted Development Order

### Planning History

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 single storey pitched roof rear extension, rear dormer and one roof light 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 A - the enlargement, improvement or other alteration 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 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);

*The total area covered by the proposal and existing buildings will not exceed 50% of the total area.*

(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 proposed rear extension will not exceed the height of the highest part of the roof of the existing dwelling.*

(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 proposed extension will not be higher than the eaves of the existing dwelling.*

(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 proposed extension will not extend beyond a wall which fronts a highway or forms the principal or side elevation of the original dwelling.*

- (f) 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 proposed extension will not extend beyond the rear wall of the original semi-detached dwellinghouse by more than 3 metres or exceed 4 metres in height.*

- (g) until 30th May 2019, 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;

*Not applicable*

- (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
- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

*The proposal is 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 rear extension is within 2 metres of a boundary, however the height of the eaves is 2.5 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 one storey, or
- (ii) have a width greater than half the width of the original dwellinghouse; or

*The proposal is a rear extension.*

- (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);

*The dwelling has not been previously enlarged.*

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

*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 or flue, or the alteration of a soil and vent pipe. The pitched roof of the single storey rear extension will however alter the existing roof of the dwellinghouse and this will be considered under Class B - the enlargement of a dwellinghouse consisting of an addition or alteration to its roof.*

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 consist 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.

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

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 proposed materials to be used will match those used in the existing dwelling.*

- (b) any upper-floor window located in 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; and

*Not applicable.*

- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

*Not applicable.*

**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 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 enlargement does join the original roof to the roof of a rear extension however no part of the enlargement to the roof extends 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. There is no side facing roof slope on the property.*

## **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.*

## 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 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>

<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

