

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case Officer recommendation:	CC	24.11.2022
Planning Manager / Team Leader authorisation:	SCE	30.11.2022
Planning Technician final checks and despatch:	ER	30/11/2022

Application: 22/01607/LUPROP **Town / Parish:** Harwich Town Council

Applicant: Mr John and Mrs Claire Side

Address: 12 Davall Close Ramsey Harwich

Development: Proposed loft conversion, rear dormer and roof extensions.

1. Town / Parish Council

Ms Lucy Ballard, Town
Clerk Harwich Town Council Harwich Town Council noted this application.
19.10.2022

2. Consultation Responses

Not Applicable

3. Planning History

22/01607/LUPR Proposed loft conversion, rear Current
OP dormer and roof extensions.

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.

5. Officer Appraisal (including Site Description and Proposal)

The application seeks a Lawful Development Certificate for a Proposed Development, in this case a loft conversion, rear dormer and roof extensions.

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 loft conversion, rear dormer and roof extensions.

Assessment

Main considerations are;

- Planning History
- General Permitted Development Order

Planning History

No Conditions have been found on previous approvals for this site that affect the permitted development rights for this proposal type.

General Permitted Development Order

This application seeks a lawful development certificate for a proposed development, relating to a loft conversion, rear dormer and roof extensions. 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

B.1 Development is not permitted by Class B if as a result of the works, the additions and alterations to the roof of the 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);

Nor applicable – The Proposal Complies.

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

no part of the proposed development would 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;

the proposed development would not extend beyond the plane of any existing roof slope which forms the principal elevation and fronts 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 proposal will cause the original roofspace to be increased by approximately 49.99 cubic metres. 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 the construction or installation of those elements mentioned above – the proposal complies.

- (f) The dwellinghouse is on article 2(3) land.

Not Applicable – The proposal complies.

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;
- (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

Conclusion

The proposed development is consistent with the above mentioned Order and is therefore classed as permitted development. A certificate of Lawful Use can be granted.

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 B 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

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