

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	01/03/2023
Planning Development Manager authorisation:	ML	02/02/2023
Admin checks / despatch completed	ER	03/02/2023
Technician Final Checks/ Scanned / LC Notified / UU Emails:		

**Application:** 23/00116/LUPROP **Town / Parish:** Harwich Town Council

**Applicant:** Piggott

**Address:** 11 Fronks Road Dovercourt Harwich

**Development:** Proposed construction of a dormer.

**1. Town / Parish Council**

Not required

**2. Consultation Responses**

Not required

**3. Planning History**

21/01834/FULHH Proposed dormer extension. Refused 13.01.2022

Dismissed  
at Appeal 06.07.2022

23/00116/LUPRO Proposed construction of a dormer. Current  
P

**4. Relevant Policies / Government Guidance**

Not required.

**5. Officer Appraisal (including Site Description and Proposal)**

Site description

The application site comprises of a mid-terraced dwelling within the development boundary of Dovercourt.

Description of proposal

This application seeks the issuing of a Lawful Development Certificate for the proposed development of a rear facing dormer window.

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'.

Main considerations are;

- Planning history
- General Permitted Development Order
- Conclusion

Planning History

The application dwelling was erected prior to 1948 and therefore benefits from having its permitted development rights still intact.

A previous application previously been refused by the Local Planning Authority and later dismissed at appeal. This previous enlargement was considered large and out of keeping with the area. Since then, the dormer windows has been significantly reduced to meet the realms of permitted development as below.

#### General Permitted Development Order

Class B - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof  
This states that 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);

The use of the dwelling has not been granted by virtue of the above classes.

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

The proposed dormer will not exceed the height of the existing roof.

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

The proposed dormer is to the rear, not fronting a highway.

- (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 is under the 40 cubic metres allowed.

- (e) it would consist of or include -

- (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; or

The proposed works do not include any of the above.

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

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

Conditions relating to Class B include;

- (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 dormer will be completed in materials which match the roof of 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 of a rear or side extension;

- aa) the eaves of the original roof are maintained or reinstated.

The proposal will not have an impact on the eaves of the existing dwelling.

- bb) the edge of the enlargement closest to the eaves of the original roof is, so far as is practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outer edge of the eaves; and

The proposal will be sited more than 0.2m away from the eaves of the existing dwelling.

(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 dwelling.

The proposal will protrude from the existing roof of the dwelling and not beyond the outside face of any external wall.

- (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 1.7m above the floor of the room in which the window is installed.

The proposal does not include any side facing windows.

#### Interpretation of Class B

B.3 for the purposes of Class B "resulting roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4 for the purposes of paragraph B.2(b)(ii) roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

#### Other Considerations

Harwich Town Council have no objections to the proposal.

No other letters of representation have been received.

#### Conclusion

The proposal meets all the relevant criteria as set out above; it is concluded therefore that the proposed development constitutes permitted development and the Lawful Development Certificate should therefore be issued.

#### **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, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

#### **8. Informatives**

Not required