

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	19/05/2023
Planning Manager / Team Leader authorisation:	ML	26/05/2023
Planning Technician final checks and despatch:	CC	30.05.2023

Application: 23/00524/LUPROP **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Peter Buckland

Address: 26 Branscombe Close Frinton On Sea Essex

Development: Proposed roof light loft conversion with 3 no. Velux windows. 1 no. obscured glazed window to gable end wall.

1. Town / Parish Council

FRINTON AND WALTON
TOWN COUNCIL Noted

2. Consultation Responses

Not required

3. Planning History

23/00523/FULHH Proposed removal of existing lean to and new single storey flat roof rear extension. Current

23/00524/LUPRO
P Proposed roof light loft conversion with 3 no. Velux windows. 1 no. obscured glazed window to gable end wall. Current

4. Relevant Policies / Government Guidance

Not required

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to 26 Branscombe Close, Frinton On Sea which is a semi-detached bungalow located in Frinton.

Description of Proposal

This application seeks a certificate of lawful development (proposed works) for the provision of a proposed roof light loft conversion with 3 no. Velux windows and 1 no. obscured glazed window to gable end wall.

Assessment

For the purposes of determining this application for a certificate of lawful development for a proposed use, the main considerations are;

- Planning History;
- General Permitted Development Order Class C; and,
- Other Considerations.

Planning History

The application dwelling was constructed as part of a scheme approved in 1963 which did not remove permitted development rights for new openings within roofs.

General Permitted Development Order

This application seeks a lawful development certificate for a proposed development, relating to addition of 3 no. Velux windows. 1 no. obscured glazed window to gable end wall. 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) Order 2015.

The side window will be assessed under Class A as it will be situated within the side wall of the main house. The Velux windows will be assessed under Class C.

Side Window

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);

Not applicable.

(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;

Not applicable.

(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;

Not applicable.

(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;

Not applicable.

(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;

Not applicable.

(g) 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;

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;

Not applicable.

- (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;

Not applicable.

- (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

Not applicable

- 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 microwave antenna, chimney, flue, or soil and vent pipe.

A.2

In the case of a dwellinghouse is on article (3) land development is also not permitted by Class A 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.

The site is not located within the conservation area and therefore the above is not applicable in this case.

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 from materials which match the existing house.

- (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

The plans show that the window will be obscure glazed and non opening.

(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.

The proposal complies

Velux rooflights

Any other alteration to the roof of a dwellinghouse Schedule 2, Part 1, Class C of the order.

This states that development is not permitted by Class C as a result of the works, the additions and alterations to the roof of the dwelling house if;

a) permission to use the dwelling house 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) 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 alterations will not protrude beyond the roof plane of the original roof by more than 0.15m

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

The proposed alterations will not be higher than the highest part of the 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 any of the above.

Any window located on a roof slope forming a side elevation of the dwelling house 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 proposal complies with this requirement.

Conclusion

It is therefore concluded that the proposed alterations are permitted development.

Therefore, a Certificate of Proposed Lawful Development can 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, Classes A and C of The Town and Country Planning (General Permitted Development) (England) Order 2015.

8. Informatives

Not required