

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		BB	22/05/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		AN	23/05/24
Assistant Planner final checks and despatch:		ER	23/05/2024

Application: 24/00475/LUPROP **Town / Parish:** Harwich Town Council

Applicant: Mr Lee Carmichael

Address: 101 Fronks Road Dovercourt Harwich

Development: Application for Lawful Development Certificate for Proposed Use or Development of hip to gable roof alteration to allow for loft conversion, and installation of rear box dormer.

1. Town / Parish Council

Not Applicable

2. Consultation Responses

Not Applicable

3. Planning History

10/00159/FUL	Erection of front porch, detached outbuilding in rear garden and vehicular access.	Approved	12.04.2010
19/00598/FUL	Proposed ground floor and first floor extension.	Approved	02.07.2019
24/00475/LUPRO P	Application for Lawful Development Certificate for Proposed Use or Development of hip to gable roof alteration to allow for loft conversion, and installation of rear box dormer.	Current	

4. 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 Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans

can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

6. Relevant Policies / Government Guidance

Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B.

7. Officer Appraisal (including Site Description and Proposal)

Proposal

This application seeks a Lawful Development Certificate for a proposed development, in this case a hip to gable roof alteration to allow for a loft conversion and installation of a rear box dormer.

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 extension. Assessment Main considerations are;

- Planning History
- General Permitted Development Order

Planning History

There is no planning history for the property restricting permitted development rights; therefore, these rights for the property still exist.

General Permitted Development Order

This application seeks a lawful development certificate for a proposed development, relating to the alteration of the roof from hip to gable to allow a loft conversion and the installation of a rear box dormer. 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 roof conversion and rear dormer will not extend beyond the plane of any existing roof slope which forms the principal elevation and fronts 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, including the roof space of previous extensions, 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;

The loft conversion involves a hip to gable enlargement, however the eaves of the original roof will be maintained or reinstated following the construction of the rear dormer.

(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 edge of the enlargement, in this case the rear dormer is a distance of 1 metre 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 join the original roof to a roof of a rear or side extension and therefore 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. There is no side facing roof slope on the property.

Conclusion

The proposed hip to gable roof alteration and rear box dormer meets all of the relevant criteria as set out above and it must be concluded to be permitted development. The Lawful Development Certificate for the proposed development can therefore be issued.

8. Recommendation

Lawful Use Certificate Granted

9. 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.

10. Informatives

Not Applicable

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

national origin)		
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	<u>NO</u>
Are there any third parties to be informed of the decision? If so, please specify:	YES	<u>NO</u>