

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	JJ	06/02/2025
EIA Development - Notify Planning Casework Unit of Decision	N/A	
Team Leader authorisation / sign off:	AL	06/02/2025
Assistant Planner final checks and despatch:	ER	06/02/2025

Application: 25/00032/LUPROP **Town / Parish:** Clacton Non Parished

Applicant: Mr Ryan Harrington-Groves and Miss Georgina Hill

Address: 24 Woolner Road Clacton On Sea Essex

Development: Application for Lawful Development Certificate for Proposed Use or Development for second floor loft conversion and rear dormer window and rooflights to front roof plane.

1. Town / Parish Council

Clacton is non parished.

2. Consultation Responses

Consultations are not required as part of a Lawful Use Certificate Application.

3. Planning History

91/00996/OUT	Residential development.	Approved	05.11.1991
92/00015/OUT	Proposed housing development - previously approved in outline on 23.12.1986 ref: TEN/1160/86 and 5.11.1991 ref: TEN/91/0996	Approved	30.06.1992
95/00343/OUT	Proposed housing development (renewal of planning permission TEN/92/0015)	Approved	25.04.1995
00/00267/OUT	Development of 24 dwellings (renewal of outline planning permission TEN/95/0343)	Approved	18.05.2000
03/00948/DETAIL	Reserved matters application for the development of 24 No. dwellings, garages, associated roads, drainage and landscaping.	Approved	24.07.2003
04/02318/FUL	Residential development comprising 24 No. dwellings, garages and associated roads.	Withdrawn	01.02.2005
05/00982/FUL	Residential development comprising of 24 dwellings, garages and associated roads	Withdrawn	06.03.2006
05/01911/FUL	Erection of 30 no. dwellings, garages and associated roads and open space.	Approved	29.06.2006

07/00387/FUL	Erection of 30 No. dwellings, garages and associated roads and open space.	Approved	12.06.2007
16/30113/PREAPP	Erection of rear single storey extension.	Prior approval not required	10.06.2016
17/01418/HHPNOT	Erection of Edwardian style conservatory, 3.9m depth and 3.21m height.	Prior approval not required	26.09.2017

4. Relevant Policies / Government Guidance

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Classes B and C (last checked for updates February 2025)

5. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a two storey semi detached property located to the west of Woolner Road. The site is within the Settlement Development Boundary.

Description of Proposal

Second floor loft conversion and rear dormer window and rooflights to front roof plane.

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 Classes B and C

Planning History

No conditions have been found on any previous application relating to the site which restrict or remove permitted development rights. The application site therefore benefits from permitted development rights.

General Permitted Development Order

The aim of this application is to establish whether 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 proposed loft conversion and rear dormer will be assessed under Class B

Class B – additions etc to the roof of a dwellinghouse

B.1 Development is not permitted by Class B if-

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Not applicable. The property to which this application relates was built as a dwelling and has not resulted from a change of use under the provisions of the above-mentioned classes.

- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The proposed dormer addition does not exceed the height of the ridge line of the main roof.

- (c) any part of the dwellinghouse would, as a result of the works, 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 be installed on a rear facing roof slope and will not impact a highway frontage, principle elevation.

- (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 application relates to a semi-detached property. Part ii is therefore the relevant criterion and the proposal complies as the proposed dormer does not exceed 50 cubic metres in size.

- (e) it would consist of or include –

- i. the construction or provision of a veranda, balcony or raised platform, or

The proposals do not include any of the works listed in i. above.

- ii. the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

The proposals do not include any of the works listed in ii above.

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

Article 2(3) land is defined as a Conservation Area. The dwelling is not located within a conservation area.

- (g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or

Not applicable. The property to which this application relates was built as a dwelling and has not resulted from the demolition of a building and its replacement with a dwelling under the provisions of Part 20.

- (h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Class AA does not apply to this dwelling. The dwelling has not been enlarged under the provisions of Class AA (no additional storeys have been added).

Conditions

B.2 Development is permitted by Class B subject to the following conditions -

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposal complies as it uses matching tile hung cladding.

- (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

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must 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.

The proposal complies with conditions B.2

The proposed rooflights will be assessed under Class C

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;

- 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);

Not applicable. The property to which this application relates was built as a dwelling and has not resulted from a change of use under the provisions of the above-mentioned 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 alteration 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 roof lights 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 proposed roof lights will not be sited on a side roof slope/ elevation.

6. Recommendation

Lawful Development Certificate Granted

7. Conditions

- 1 The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Classes B and C of The Town and Country Planning (General Permitted Development) (England) Order 2015.

8. Informatives

Lawful Development Certificate - Submitted Plans & Drawings

This Lawful Development Certificate has been assessed against the accompanying plans and documents as listed below:

- Application Form - Received 08.01.25
- Site Plan - Received 08.01.2025
- Existing Floor Plans - Received 08.01.2025
- Existing Elevations - Received 08.01.2025
- Proposed Floor Plans - Received 08.01.2025
- Existing and Proposed Block Plans and Second Floor Plan - Received 08.01.2025
- Proposed Elevations - Received 08.01.2025

Ecology Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

9. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so, please specify:	NO
Are there any third parties to be informed of the decision? If so, please specify:	NO
Has there been a declaration of interest made on this application?	NO