

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
Planning Officer recommendation:	ER	13/03/2025
EIA Development - Notify Planning Casework Unit of Decision	N/A	
Team Leader authorisation / sign off:	ML	13/03/2025
Assistant Planner final checks and despatch:	ER	14/03/2025

**Application:** 25/00209/LUPROP      **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Paul Tanner

**Address:** 25 Hadleigh Road Frinton On Sea Essex

**Development:** Application for Lawful Development Certificate for Proposed Use or Development for new loft conversion with 2 No. new side dormers to form habitable space. New window installed to rear gable wall for new rear bedroom.

1. **Town / Parish Council**  
Not required for this type of application.
2. **Consultation Responses**  
Not required for this type of application.
3. **Planning History**  
None relevant
4. **Officer Appraisal (including Site Description and Proposal)**

### Application Site

The application site comprises of a detached two storey house which is set back from its front boundary allowing for parking to the front. The house is finished in render with decorative detailing. The front of the house plays host to a porch and bay window features.

### Proposal

This application seeks a for Lawful Development Certificate for Proposed Use or Development for new loft conversion with 2 No. new side dormers to form habitable space. New window installed to rear gable wall for new rear bedroom.

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'.

### Assesment

Main considerations are;

- Planning history
- General Permitted Development Order
- Conclusion

### Planning History

The application house is constructed prior to 1948 and therefore has its permitted development rights intact. Upon completing a search into the history no conditions have been found on previous planning decisions for the site removing the permitted development rights of the property.

## General Permitted Development Order

### **The proposed dormer window enlargement will be assessed under Class B of the Permitted Development Order:**

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);

#### **The proposal complies.**

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

#### **The proposal will not 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 proposal will be located on the side roof slopes which do not form the principal elevation of fronts a highway. The proposal complies.**

- (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 proposal will not exceed the original roofspace by more than 50 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 will not contain any of the above and therefore complies.**

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

#### **The proposal is not located on article 2 (3) land and therefore 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) 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 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.

**The proposal will be finished in hanging tiles similar to those used in the existing roofslope of the host dwelling and will not include any openings. The proposal therefore complies.**

The proposed new rear window will be assessed under Class A of the General Permitted Development Order.

Class A - the enlargement, improvement or other alteration of a dwellinghouse

A.1 Development is not permitted if as a result of the works;

(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 proposal complies.**

(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);

**The proposal will not result in an extension to the building. The proposal complies.**

(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;

**The proposal will not result in an extension to the building. The proposal complies.**

(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;

**The proposal will not result in an extension to the building. The proposal complies.**

(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;

**The proposal will not result in an extension to the building. The proposal complies.**

(f) 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;

**The proposal will not result in an extension to the building. The proposal complies.**

(g) For a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, 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 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres in height;

**The proposal will not result in an extension to the building. The proposal complies.**

(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 be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;".

**The proposal will not result in an extension to the building. The proposal complies.**

(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;

**The proposal will not result in an extension to the building. The proposal complies.**

(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

(iii) have a width greater than half the width of the original dwellinghouse; or

**The proposal will not result in an extension to the building. The proposal complies.**

(ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

**The proposal will not result in an extension to the building. The proposal complies.**

(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 installation of those elements mentioned above. The proposal complies.**

(l) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

**The dwelling house was not built under part 20 of this Schedule. The proposal complies.**

A.2 In the case of a dwellinghouse on article 2(3) land development is also not permitted by Class A if —

(a) it would consist 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.

(d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (b) and (c).

**Not applicable as the site does not fall within article 2(3) land. The proposal complies.**

#### 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 completed using materials of a similar appearance with the existing windows. The proposal complies.**

(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 new window will be to the rear and therefore the above is not applicable.**

(c) where the enlarged part of the dwellinghouse has more than a single storey or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse."

**Not applicable.**

#### Ecology and Biodiversity

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. Should the application be approved then an informative will be imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Lawful Development Certificates. This proposal is not therefore applicable for Biodiversity Net Gain.

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

## Conclusion

As the proposal complies with the above requirements it is considered permitted development, and this Certificate for Lawful Development can be recommended for approval.

## **5. Recommendation**

Approve

## **6. Conditions**

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

## **7. Informatives**

### Lawful Development Certificate - Submitted Plans & Drawings

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

0258-A-001 - Site And Block Plan - Rec'd 10/02/25

0258-A-002 - Site Layout Plan - Rec'd 10/02/25

0258-A-100 01 - Existing Elevations, Sections, And Floor Plans - Rec'd 10/02/25

0258-A-200 01 - Proposed Elevations, Sections, And Floor Plans - Rec'd 10/02/25

### Ecology And Biodiversity

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>

## **8. 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 national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
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

## 9. **Notification of Decision**

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