

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: D0331.20

WARD : Rainham & Wennington **Date Received:** 21st August 2020

ADDRESS: 23 FAIRVIEW AVENUE
RAINHAM

PROPOSAL: Certificate of Lawfulness for conversion of roof space to habitable use to include a rear dormer.

DRAWING NO(S): T34/20/5

RECOMMENDATION : It is recommended that a **Certificate of Lawfulness not be issued in this case** for the reason(s) given at the end of the report

SITE DESCRIPTION

The application site features a detached bungalow on Fairview Avenue. The dwelling is finished in brick face render and has a hipped roof.

The application site is located within a predominantly residential area and is not within a Conservation area, nor is it a listed building.

DESCRIPTION OF PROPOSAL

Certificate of Lawfulness is sought for the conversion of roof space to habitable use to include a rear dormer and hip to gable on the rear elevation.

RELEVANT HISTORY

P1183.20 - Single Storey Side and Rear Extension
Awaiting Decision

CONSULTATIONS/REPRESENTATIONS

N/A

RELEVANT POLICIES

Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

MAYORAL CIL IMPLICATIONS

CIL NOT LIABLE

STAFF COMMENTS

The proposed development falls within Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015, as the development would consist of an enlargement to the dwelling house consisting of an addition and alteration to its roof.

Due to the current crisis, officer was unable to do a site visit. Site drawings as well as aerial view and streetview were used to assess the site.

Have permitted development rights been removed? - No
Is the property a dwellinghouse? - Yes
Is it detached? - Yes
Is it semi-detached or terraced? - No
Is it within a conservation area? - No

Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class B (consisting of an addition or alteration to its roof) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

B.1 (a) Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use) ? - No

(b) would any part of the dwellinghouse, as a result of the works, exceed the height of the highest part of the existing roof? - No

(c) would any part of the dwellinghouse, 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? - No

(d) would the cubic content of the resulting roof space exceed the cubic content of the original roof space by more than:-

- (i) 40 cubic metres in the case of a terrace house? - N/A, or
- (ii) 50 cubic metres in any other case? - No

Hip To Gable - $7.6\text{m (w)} \times 2.8\text{m (h)} \times 3.7\text{m (d)} / 6 = 13.12\text{m}^3$

Rear Dormer - $5.5\text{m (w)} \times 2\text{m (h)} \times 6.5\text{m (d)} / 2 = 35.75\text{m}^3$

Total = 48.87m^3

(e) would it consist of or include:-

- (i) the construction or provision of a veranda, balcony or raised platform? - No, or
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe? - No

(f) is the dwellinghouse on article 2(3) land (conservation area)? - No

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

(b) is the enlargement 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 -? - No

(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 shall, so far as practicable, be not less than 20 centimetres from the eaves, measured along the roof slope from the outside edge of the eaves? - No; 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? - No

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be ? - Yes -

(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

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 (refer (c) above).

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 be considered part of the development.

Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class C (any other alteration to the roof) of the Town and Country Planning (General Development) (England) Order 2015 as amended

(a). Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P, PA or Q of Part 3? No

Development not permitted by Class C

(b) would the alteration 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;? No

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

(d) would it 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? No

For the reasons outlined above it is recommended that a Certificate of Lawfulness be issued in this instance.

KEY ISSUES/CONCLUSIONS

The proposed development is considered to be in accordance with the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) Order 2015 and it is therefore recommended that a Certificate of Lawfulness be issued in this instance.

RECOMMENDATION

It is recommended that a **Certificate of Lawfulness not be issued in this case**

1. Cert of Lawfulness - Reason for Refusal

The proposal fails to come within the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, thereby planning permission is required as it goes against section B.2

(a) the materials used on the exterior of the dormers are not of similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The side of the dormer windows would not be finished in materials that give a similar visual appearance to existing house.

INFORMATIVES

Authorising Officer: Habib Neshat

19-10-2020