

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: D0013.22

WARD : Rainham & Wennington

Date Received: 14th January 2022

ADDRESS: 16 Stoke Road
Rainham

PROPOSAL: CERTIFICATE OF LAWFULNESS FOR LOFT CONVERSION
INCLUDING A REAR DORMER AND 3NO. ROOF WINDOWS ON
THE FRONT ELEVATION

DRAWING NO(S): STK /01
16 Stoke Road, Rainham (Block Plan)
16 Stoke Road, Rainham (Site Location Plan)

RECOMMENDATION : It is recommended that a **Certificate of Lawfulness be issued** in
accordance with the details given at the end of the report

SITE DESCRIPTION

The application site features a two storey semi-detached residential dwelling. It is not a listed building, nor is located within a conservation area.

DESCRIPTION OF PROPOSAL

A Certificate of Lawfulness is sought for the conversion of roof space to habitable use to include a rear dormer and three front roof lights.

RELEVANT HISTORY

None found

CONSULTATIONS/REPRESENTATIONS

An application for a Certificate of Lawfulness is a request to the Council to confirm that the development as specified is Lawful. In assessing this application, the Council is making a determination of fact. As such, it is not considered to be necessary to undertake a public consultation.

RELEVANT POLICIES

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

MAYORAL CIL IMPLICATIONS

This application is not CIL liable because the new floor space created does not exceed 100 square metres.

STAFF COMMENTS

An application for a Certificate of Lawfulness is a request to the Council to confirm that the development as specified is Lawful. In assessing this application, the Council is making a determination of fact. As such, it is not considered to be necessary to undertake a public consultation.

The proposed rear dormer will be assessed against Schedule, 2, Part 1, Class B of the GPDO.

ASSESSMENT AGASINT SCHEDULE 2, PART 1, CLASS B

Have the property's permitted development rights been removed? - No

Is the property a dwellinghouse? - Yes

Is it detached? - No

Is it semi-detached or terraced? - Yes

Is it within a conservation area? - No

B.1 (a) Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class G, M, MA, 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

Volume of Proposed Developments:

Rear Dormer - $5.18\text{m (w)} \times 3.94\text{m (d)} \times 2.62\text{m (h)} / 2 = 26.74\text{m}^3$

(e) Would the proposal consist of or include:-

(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? - No.

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

(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) - No or,

(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) - No.

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

(a) Would 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 - Yes

(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 - ? - Yes

(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? - Yes.

(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? - Yes.

(c) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be? - No -

(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 - N/A.

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) -

(a) roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement and,

(b) "rear or side extension" includes an original part of, or a subsequent extension of, the dwellinghouse that extends from the rear or side of the principal part of the original dwellinghouse.

The proposed front roof lights will be assessed against Schedule, 2, Part 1, Class C of the GPDO.

ASSESSMENT AGAINST SCHEDULE 2, PART 1, CLASS C

Have the property's permitted development rights been removed - No
Is the property a dwellinghouse? Yes

(a). Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class G, M, MA, 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 - No.

(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, or? - No.

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) - No

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must 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 - N/A.

KEY ISSUES/CONCLUSIONS

The proposed developments are considered to be in accordance with the provisions of Schedule 2, Part 1, Class B and C of the Town and Country Planning (General Permitted Development) Order 2015.

They would therefore NOT require planning permission and, as such, it is therefore recommended that a Certificate of Lawfulness SHOULD be issued in this instance.

RECOMMENDATION

It is recommended that a **Certificate of Lawfulness** be issued

1. Cert of Lawfulness - Reason for Approval Class B

The operations come within the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, thereby not requiring planning permission.

2. Cert of Lawfulness - Reason for Approval Class C

The operations come within the provisions of Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015, thereby not requiring planning permission.

INFORMATIVES

1 Cert of Lawfulness Building Regs

This certificate provides confirmation that the development is lawful. You should also check whether the development requires separate Building Regulation consent. Information is available on the Building Control webpages and the team is available between 9am and 10am Monday to Friday via 01708 432 700.

2 Cert of Lawfulness Class B

The 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;

(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.

3 Cert of Lawfulness Class C

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse 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.

Authorising Officer: Neil Goate
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11-03-2022
