

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: D0433.23

WARD: Marshalls & Rise Pk Date Received: 10th October 2023

ADDRESS: 5 Seymer Road
Romford

PROPOSAL: Certificate of Lawfulness for loft conversion

DRAWING NO(S): 01
02
03
04
05
06

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 host property is a two storey end of terrace dwelling with a hipped roof.
The property is not a listed building nor in a conservation area.

DESCRIPTION OF PROPOSAL

A Certificate of Lawfulness is sought for the conversion of the roof space to habitable use which includes change from hipped roof to gable end, a rear dormer and three roof windows on the front roof slope.

RELEVANT HISTORY

Y0170.21	Single storey rear extension with an overall depth of 6m, a maximum height of 4m and an eaves height of 2.5m (PRIOR APPROVAL) Pr App Refused 17-05-2021
Y0100.18	Single storey rear extension with an overall depth of 6m from the original rear wall of the dwelling house, a maximum height of 3.15m and an eaves height of 3m (PRIOR APPROVAL) Pr App Not Req'd 20-04-2018

CONSULTATIONS/REPRESENTATIONS

No consultation is necessary under General Permitted Development 2015 (amended), 2015 Schedule 2, Part 1, Class B and C.

RELEVANT POLICIES

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

STAFF COMMENTS

Certificate of lawfulness are not CIL liable.

In accordance with current site visit protocols, no site visit has been carried out. Site photos were not provided by the agent at the time of submitting the planning application. Where necessary google earth and street views were used as part of the desktop activity.

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 amended, as the development would consist of an enlargement to the dwelling house consisting of an addition or alteration to its roof (hip to gable roof, a rear dormer and three roof light on the front roof slope).

Have 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

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? - No, or

(ii) 50 cubic metres in any other case? - N/a

Hip to Gable - $7.5\text{m (w)} \times 2.44\text{m (h)} \times 3.82\text{m (d)} / 6 = 11.65\text{m}^3$.

Rear Dormer - $5.45\text{m (w)} \times 2.1\text{m (h)} \times 3.35\text{m (d)} / 2 = 19.17\text{m}^3$

Total = 30.82m³

These dimensions are based on annotations from drawings

(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. 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 -? - 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? - N/a

(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; 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? No

Conditions

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.

For the reasons outlined, the proposal would meet Part 1, Class B & C of the GPDO and therefore, it is recommended that a Certificate of Lawfulness is 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 & C of the Town and Country Planning (General Permitted Development) Order 2015, as amended.

It is therefore recommended that a Certificate of Lawfulness be issued in this instance.

RECOMMENDATION:

It is recommended that **a Certificate of Lawfulness be issued** in accordance with the following details

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 432700.

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

29th November 2023