

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: D0493.23

WARD: St Andrew's **Date Received:** 22nd November 2023

ADDRESS: 4 Mariam Gardens
Hornchurch

PROPOSAL: Certificate of Lawfulness for a loft conversion with hip to gable extension and rear dormer, front facing velux roof windows following replacement of existing hipped roof over rear extension with a flat roof and porch to front.

DRAWING NO(S): PL100 (Rev D)

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 located on the north-eastern side of a cul-de-sac Mariam Gardens and contains a semi-detached bungalow. The property has a small private rear garden, an existing garage and an area of hardstanding to front for off-street parking.

The property is not listed, nor is it within a conservation area. The surrounding area is largely residential consisting mainly of various semi-detached and terraced dwellings.

DESCRIPTION OF PROPOSAL

A Certificate of Lawfulness is sought for a loft conversion with hip to gable extension and rear dormer, front facing velux roof windows following replacement of existing hipped roof over rear extension with a flat roof and porch to front.

RELEVANT HISTORY

Officer's have reviewed the available planning history for the site. There is no evidence that permitted development rights have been removed.

P1768.23	Single storey side extension and raising of existing rear extension roof height Awaiting Decision
P1178.23	Single storey side extension, front porch, loft conversion with two rear facing dormers and roof lights to front, alteration of hipped roof to the rear to a flat roof, changes to fenestration and changes to external materials. Refuse 16-10-2023

P0080.13

New single storey rear extension

Apprv with cons

19-03-2013

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, C and D of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

MAYORAL CIL IMPLICATIONS

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

STAFF COMMENTS

The officer did not carry out a site visit. Site drawings, photos provided by the applicant as well as aerial view and streetview were also used to assess the site.

LOFT CONVERSION

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.

Have permitted development rights been removed? - No

Is the property a dwellinghouse? - Yes

Is it detached? - No

Is it semi-detached or terraced? - Yes (semi-detached)

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? - N/A

Hip-to-Gable - $7.9\text{m (w)} \times 3.4\text{m (h)} \times 4.1\text{m (d)} / 6 = 18.4\text{m}^3$

Rear Dormer - $7.3\text{m (w)} \times 2.3\text{m (h)} \times 2.7\text{m (d)} / 2 = 22.6\text{m}^3$

Total = 41m^3

Officers note that presently there is a hipped roof to an existing rear extension which constitutes volume which would need to be included in any volume calculation as it did not form part of the original dwelling. However, as part of the proposed works the hipped roof is to be removed and replaced with a flat roof meaning the rear extension would no longer be adding additional volume to the original roof of the dwelling. As such, this will no longer be required to be included in the above volume calculations. The volume over the flat roofed element would be minimal and would not be sufficient to take the proposals over the 50 cubic metre threshold.

(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 -? -

(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; 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? - Yes

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

(i) obscure-glazed, and - N/A

(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), 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 - No

(d) would it consist of or include

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or - No

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment? - No

FRONT PORCH

Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class D (consisting of the erection or construction of a porch outside any external door of the dwellinghouse) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

D.1 Development is not permitted by Class D if:-

(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

(b)would the ground area (measured externally) of the structure exceed 3 square metres? No
1.7m (w) x 1.7m (d) = 2.9m²

(c) would any part of the structure be more than 3 metres above ground level? No or

(d) would any part of the structure be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway? No

KEY ISSUES/CONCLUSIONS

The proposed development is considered to be in accordance with the provisions of Schedule 2, Part 1, Classes B, C and D 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 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.

3 **Cert of Lawfulness - Reason for Approval Class D**

The operations come within the provisions of Schedule 2, Part 1, Class D 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;

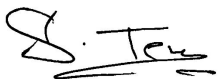
- (b) the enlargement must be constructed so that-
 - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-
 - (aa) the eaves of the original roof are maintained or reinstated; and
 - (bb) the edge of the enlargement 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:



Suzanne Terry

16th January 2024