

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: D0010.24

WARD: South Hornchurch **Date Received:** 8th January 2024

ADDRESS: 257 Rainham Road
Rainham

PROPOSAL: Certificate of Lawfulness for Dormer Loft Conversion

DRAWING NO(S): PL-01
PL-02
PL-04
PL-05
PL-06A

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 is located on the south-western side of Rainham Road and contains a single-storey detached bungalow.

The dwellinghouse is not a listed building and is not located within a conservation area.

DESCRIPTION OF PROPOSAL

A Certificate of Lawfulness is sought for a hip to gable end loft conversion with 2 x side dormers.

RELEVANT HISTORY

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

D0244.23	Certificate of Lawfulness for hip to gable end loft conversion with 2 x side dormers.	
	PP is required	22-08-2023
D0441.22	Certificate of Lawfulness for loft conversion with 2No. side dormers and a hip to gable end.	
	PP is required	17-10-2022
P0411.22	Proposed Loft Conversion with two side dormers	

	Withdrawn	06-05-2022
P1482.10	Single storey rear extension	
	Apprv with cons	07-12-2010

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, 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.

A previous scheme D0244.23 was refused due to it exceeding the 50cum volume allowance.

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?

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? -, or

(ii) 50 cubic metres in any other case? - Yes

Side Dormers - $9.2\text{m (w)} \times 1.75\text{m (h)} \times 2.1\text{m (d)} / 2 = 16.9\text{m}^3 \times 2 = 33.8\text{m}^3$

Small Hip to Gable - $4.9\text{m (w)} \times 2.2\text{m (h)} \times 2.6\text{m (d)} / 6 = 4.7\text{m}^3$

Pitched Roof over Rear Extension - $4.9\text{m (w)} \times 2.3\text{m (h)} \times 1.7\text{m (d)} / 2 = 9.6\text{m}^3$

Total - $33.8\text{m}^3 + 4.7\text{m}^3 + 9.6\text{m}^3 = 48.1\text{m}^3$

(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 - 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? - 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

The proposed roof projects above a non-original rear extension meaning this cannot be considered an extension of the roof. This would require planning permission.

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

be ?

- (i) obscure-glazed, and - Yes
- (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 - Yes

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

KEY ISSUES/CONCLUSIONS

The proposed development is not considered to be in accordance with the provisions of Schedule 2, Part 1, Classes B of the Town and Country Planning (General Permitted Development) Order 2015 and it is therefore recommended that a Certificate of Lawfulness not be issued in this instance.

RECOMMENDATION:

It is recommended that a **Certificate of Lawfulness not be issued in this case** for the following reason(s)

1 Cert of Lawfulness - Reason for Refusal

The operations do not fall within the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015, as amended. Specifically, the proposed roof projects above a non-original rear extension meaning this cannot be considered an extension of the roof.

Authorising Officer:

Habib Neshat

Habib Neshat

4th March 2024