

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: D0285.25

WARD: Cranham **Date Received:** 5th June 2025

ADDRESS: 77 Moor Lane
Upminster

PROPOSAL: Certificate of Lawfulness for hip to gable loft conversion with rear and side dormers and roof lights to front

DRAWING NO(S): Site location plan
24.0145-PL-50-100
24.0145-PL-20-200 Rev. A
24.0145-PL-20-201 Rev. A
24.0145-PL-30-200

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 subject site forms part of a pair semi-detached bungalows, which is located on the western side of Moor Lane.

Parking available on the driveway to the front of the property. The surrounding area is characterised by mixed of semi and detached residential properties. The site is not located within a Conservation Area or listed.

DESCRIPTION OF PROPOSAL

Certificate of Lawfulness for hip to gable loft conversion with rear and side dormers and roof lights to front.

The proposed rear dormer would measure approx. 3.12m deep x 7.72m wide x 2.4m in height/2 with a flat roof = 28.9m³.

The proposed side dormer would measure approx. 3m deep x 2.54m wide x 2.45m in height/2 with a flat roof = 9.3m³.

The proposed hip-to-gable roof extension:

Base area = 7.44m length x 2.4m in height/2 = 8.928m²

3.54m (depth/wide) x 8.928m (base area)/3 with a flat roof = 10.53m³.

Rear dormer + side dormer + hip-to-gable roof extension = 48.7m³.

RELEVANT HISTORY

No planning or building control history, no planning conditions stated the permitted rights have been removed on this property.

P0203.25	Proposed single rear extension and loft conversion including a hip-to-gable roof extension with L-shape rear dormer.
Refuse	21-05-2025

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 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

STAFF COMMENTS

In accordance with the current protocol for site visits, an in-person site visit was not undertaken as one was not considered to be necessary. Site photos provided by the planning agent, Google Street View TM, aerial view images and the submitted drawings were used to assess the site constraints.

The proposed development would be assessed against Schedule, 2, Part 1, Classes B & C of the GPDO.

ASSESSMENT AGAINST 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 (semi-detached)

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 Calculations:

Officer's calculations:

The proposed rear dormer would measure approx. 3.12m deep x 7.72m wide x 2.4m in height/2 with a flat roof = 28.9m³.

The proposed side dormer would measure approx. 3m deep x 2.54m wide x 2.45m in height/2 with a flat roof = 9.3m³.

The proposed hip-to-gable roof extension:

Base area = 7.44m length x 2.4m in height/2 = 8.928m²

3.54m (depth/wide) x 8.928m (base area)/3 with a flat roof = 10.53m³.

Rear dormer + side dormer + hip-to-gable roof extension = 48.7m³.

Agent's volume calculations: 38.95m³ (dormers) + 10.53m³ (hip-to-gable) = 49.48m³.

Both officers and agent's volume calculations, as set above does not exceed 50 cubic metres in any other case (semi-detached).

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

(i) the construction or provision of a veranda, balcony or raised platform?, or - No

(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 - ? -

(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 (setback at least 340mm from the existing eaves)

(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? - Yes - first floor side bedroom window (south) would be obscured and non-openable at 1.7m high from floor to ceiling height, as indicated on drawing no. D09.

(i) Obscure-glazed, and

(ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metre 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.

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. N/A

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 See Class G for full assessment.

-

(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 -No.

KEY ISSUES/CONCLUSIONS

The proposed developments are 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) (England) Order 2015.

They would therefore not require planning permission and, as such, it is therefore recommended that an of Lawfulness should 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 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.

2 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.

3 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.

4 Party Wall

This planning permission does not remove the need to obtain any separate consent of the owner of the adjoining property prior to commencing building works on, under, above or immediately adjacent to their property (e.g. foundations or guttering). The Party Wall Etc. Act 1996 contains requirements to serve notice on adjoining owners of property under certain circumstances, and a procedure exists for resolving disputes. This is a matter of civil law between the two parties, and the Local Planning Authority are not involved in such matters.

A free guide called "The Party Wall Etc Act 1996: Explanatory Booklet" is available on the website of the Department for Communities and Local Government.

<https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

Authorising Officer:

A handwritten signature in black ink that reads "Habib Neshat". The signature is written in a cursive style with a vertical line at the end.

Habib Neshat

18th August 2025