

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: D0342.25

WARD: Cranham **Date Received:** 9th July 2025

ADDRESS: 38 Heron Way
Upminster

PROPOSAL: Certificate of Lawfulness for a hip to gable loft conversion with rear dormer, front roof lights and single storey rear extension

DRAWING NO(S): EDE01
EDE02
EDE03

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 comprises of a two storey semi-detached property, which is located on the western side of Heron Way. There is existing single storey rear outbuilding on site.

Parking available to the side of the property. The surrounding area is characterised by semi-detached residential properties.

The site is not located within a Conservation Area and is not listed.

DESCRIPTION OF PROPOSAL

Certificate of Lawfulness for a hip to gable loft conversion with rear dormer, front roof lights and single storey rear extension.

The proposed rear dormer incorporating windows would measure approx. 3.3m deep x 5.4m wide x 2.06m in height/2 with a flat roof = 18.35m³.

The proposed hip-to-gable roof extension would measure approx. 3.86m deep x 7.72m length x 2.4m in height/6 with a flat roof = 11.91m³.

Rear dormer + hip-to-gable roof extension = 30.3m³.

RELEVANT HISTORY

ES/HOR/180/54 - Residential development - Approved.

ES/HOR/689/54 - Roads and sewers - Approved.

Have check planning history, no planning conditions stated the permitted rights have been removed on this property. Building control records refer to garage, but no conditions or PD rights removed. Also, adjoining property no. 40 and other properties including nos. 42, 44, 46, 52 Heron Way have carried out/approved similar works under permitted development.

CONSULTATIONS/REPRESENTATIONS

On letter of objection was received raising the following concern:

·No party wall agreement has not been served on them.

Officer's response: officers acknowledged all comment made to this application. However, it should be noted that this is an application for a Certificate of Lawfulness, which 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 and law. Also, there no statutory requirement to consult on an application that is seeking a lawful development certificate. The issuing of a lawful development certificate is essentially a determination as to whether a proposed use/development or operation does, or does not require planning permission.

RELEVANT POLICIES

Schedule 2, Part 1, Classes A, 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 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 A, B & C of the GPDO.

The main issues are:

1. Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

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

(a) Has permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use)? - No

Development not permitted by Class A

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse) ? - No

(c) would the height of the part of the dwellinghouse enlarged, improved or altered exceed the height of the highest part of the roof of the existing dwellinghouse? - No

(d) would the height of the eaves of the part of the dwellinghouse enlarged, improved or altered exceed the height of the eaves of the existing dwellinghouse? - No

(e) would the enlarged part of the dwellinghouse extend beyond a wall which:-

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse? - No

(f) would, subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and -

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse - No - 3m deep

(ii) exceed 4 metres in height? - No - 2.75m including parapet wall (max).

(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and -

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or - N/A

(ii) exceed 4 metres in height - N/A

(h) would the enlarged part of the dwellinghouse have more than one storey and:-

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres? - N/A, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse - N/A

(i) would the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres? - No

(j) would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and: -

(i) exceed 4 metres in height? - No

(ii) have more than one storey? - No, or

(iii) have a width greater than half the width of the original dwellinghouse? - No

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (e) to (j) - No

(k) it would consist of or include:-

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

(ii) the installation, alteration or replacement of a microwave antenna? - No,

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

(iv) an alteration to any part of the roof of the dwellinghouse? - No

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

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted if:-

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles? - N/A;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse? - N/A;

(c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse? - N/A

(d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (b) and (c) - N/A

A.3 Development is permitted by Class A subject to the following conditions:-

(a) would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse? - Yes

(b) would any upper-floor window located in a wall or roof slope forming a side elevation of the dwelling house be: -

(i) obscure-glazed? - N/A, 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;

(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse - N/A

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:

The proposed rear dormer incorporating windows would measure approx. 3.3m deep x 5.4m wide x 2.06m in height/2 with a flat roof = 18.35m³.

The proposed hip-to-gable roof extension would measure approx. 3.86m deep x 7.72m length x 2.4m in height/6 with a flat roof = 11.91m³.

Rear dormer + hip-to-gable roof extension = 30.3m³.

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

(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?

(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 400mm 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? - No.

(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 - N/A

(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 - No.

KEY ISSUES/CONCLUSIONS

The proposed developments are considered to be in accordance with the provisions of Schedule 2, Part 1, Classes A, 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 A

The operations come within the provisions of Schedule 2, Part 1, Class A 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 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.

3 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 A

Development is permitted by Class A subject to the following conditions-

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall 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; and

(c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

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.

4 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.

5 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:



Raphael Adenegan

3rd September 2025