

DELEGATED DECISION REPORT

SMD/2021/0430
Valid 29/06/2021

31 PARK ROAD
WERRINGTON

**CERTIFICATE OF
LAWFULNESS FOR
PROPOSED REAR DORMER**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

PROPOSAL

This application seeks approval for a certificate of lawfulness for proposed development under Section 192 of the Town and Country Planning Act 1990 for the erection of a rear dormer.

The rear dormer will have a length of 3.7m with a width of 5.9m and a height of 2.5m. The total volume is 27.3 cubic metres

The rear dormer will use matching materials to those used on the existing dwelling.

Permitted development rights have not been removed from this property.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 192 of The Town and Country Planning Act 1990 (as amended). The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A

SITE HISTORY

SMD/2004/0132 Rear conservatory

Refused 02/06/04

EVIDENCE IN SUPPORT OF THE APPLICATION

- Application Form
- Drawing no: MK / 0010/21- MHC - CA002172

OFFICER COMMENTS

Section 192 of The Town and Country Planning Act 1990 (as amended) entitles any person to ascertain whether-

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, they may make an application for the purpose to the Local Planning Authority specifying the land and describing the use or operations in question.

If, on an application under this section, the Local Planning Authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Subsequently, the main considerations in respect of this application are whether the installation of a rear dormer is in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B- additions etc to the roof of a dwellinghouse.

Development is not permitted by Class B if—

(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)

Development has not been granted for the dwelling by virtue of Class M, N, P or Q of this Schedule.

(b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof

The proposal does not exceed the highest part of the existing roof.

(c) Any part of the dwellinghouse would, 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

The property sits at a corner plot. Despite the main access to the property being located to the side, parallel to James Crescent, the principal elevation is considered to be the wall facing Park Road as the roof slope sits in this direction and also contains the main architectural features of the property. For this reason, the proposed dormer is not positioned on the principal elevation nor front a highway.

(d) The cubic content of the resulting roof space would 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;

The rear dormer results in a 27.3 cubic metre increase, therefore, does not exceed the allowable 50 cubic metres of the resulting roof space.

(e) It would consist of or include—

- (i) The construction or provision of a verandah, balcony or raised platform, or
- (ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

This section is not relevant on this current proposal.

(f) The dwellinghouse is on article 2(3) land.

This section is not relevant on this current proposal.

Subject to the following conditions the application is considered to be in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B and accordingly a certificate of proposed development should be granted.

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;

The materials to be used are of similar appearance to 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

The enlargement complies with the above conditions.

- (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.

This section is not relevant on this current proposal.

Loft conversion

In terms of the loft conversion these internal changes can be done under Permitted Development and do not formally concern planning legislation. It will be subject to Building Control and their professional guidance that the internal works are satisfactory; and is therefore is permitted subject to their consultation.

Conclusion

The loft conversion to form a habitable room for a loft conversion with the installation of a flat roofed rear dormer meets the above permitted development requirements and therefore a Certificate of Lawful Development can be issued under Section 192 of the Town and Country Planning Act 1990.

OFFICER RECOMMENDATION :

The development is in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B-additions etc to the roof of a dwellinghouse.

Case Officer: Lisa Li

Recommendation Date: 20/07/21

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council