

DELEGATED DECISION REPORT

SMD/2024/0079
Valid 21/02/2024

27 HAVENSFIELD DRIVE
UPPER TEAN

**APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR -
PROPOSED LOFT
CONVERSION AND 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 side dormer.

The dormer will have a length of 4m with a width of 2.5m and a height of 2m at pitch height.

The dormer will use cladding with brick slip system to match existing and feature a gable pitch. The dormer will serve a bathroom.

The original scheme also included a rooflight however, this was later removed. The revised plan to be considered is 01332 - PL(0)03 B.

Permitted development rights have not been removed from this property.

DESCRIPTION OF SITE

The application relates to a corner plot bungalow within a small residential estate. The property fronts Havensfield Drive and sides with the access to the estate. It sits on elevated ground higher than the highway on either side of the property. The bungalow itself is a red brick dual pitched property with concrete tiles and buff bricks that has an integral garage. It fronts a driveway that can accommodate at most 2 cars.

The street scene is made up of similar built bungalows being part of the same housing development. The estate is relatively free of alterations and extensions within the public scene.

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/2002/1266 Erection of 12 bungalows

Approved 13/02/23

EVIDENCE IN SUPPORT OF THE APPLICATION

- Application Form
- Drawing no: 01332-PL (0) 03 Proposed plans and 01332-PL 90) 01 Existing

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.

The main considerations in respect of this application is whether the installation of the side dormer in the loft space is in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B.

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 proposed dormer does front a highway but is not positioned on the principal elevation. The view is taken that the principal elevation is the one fronting on to the main Havensfield Drive, rather than the cul-de-sac to the side.

(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 additional cubic metres for the works added to the roof space total 11.5. The proposal 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.

The window provided as part of the side dormer is confirmed as being obscure glazed and according to the plan: 01332 - PL(0)03 A the opening is 1.8m above floor level.

Loft conversion

In terms of the loft conversion these internal changes are not regarded as development and do not formally concern planning legislation.

Conclusion

The loft conversion to form a habitable room for a loft conversion with the installation of a pitched roof dormer to the side elevation roof slope 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 : Approve

Case Officer: Lisa Li

Recommendation Date: 23/04/24

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council