

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20211112
Location	Barn Cottage Old Watling Street Higham Rochester
Proposal:	Application for Lawful Development Certificate for proposed construction of a dormer extension in the rear roof slope, installation of a roof windows to the front roof slope, conversion of the roof space into habitable rooms.
Applicant:	Phillip Worton
Site Visit	16 December 2021

Plans & Documents

Application form for a Lawful Development Certificate for a proposed use or development;
Red line site boundary plan;
Drawing no. 594-HPP-01 Existing layout, elevations and block plan; and
Drawing no. 594-HPP-02 Proposed layout, elevations, block plan and 3D view.

Property Type

The property comprises of a detached, two storey dwelling set in a large plot.

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Referred to in the rest of this report as GPDO 2015.

Relevant Planning History

<u>Application No.</u>	<u>Description</u>	<u>Status</u>	<u>Decision</u>
20150745	Erection of single storey rear and side extensions with construction of a raised decking area at the rear.	Permitted	28.09.2015
19860991	Erection of an attached garage at the side	Permitted	08.03.1987

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	No
Article 4 Direction	No
Permitted Development Rights Removed/Restricted	No

Schedule 2, Part 1 of the GPDO 2015**Class B - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.**

B.1	Development is not permitted by Class B if –	Y/N
(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);	N
(b)	Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	N
(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;	N
(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;	N 26m ³
(e)	It would consist of or include – the construction or provision of a verandah, balcony or raised platform or the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or	No*
(f)	The dwellinghouse is on article 2 (3) land	N
B.2	Development is permitted by Class B subject to the following conditions –	Y/N
(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;	No**
(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	No*** Eaves not maintained Yes 0.5

	of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwelling house; and	Yes
(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.	N/A

* Extract from Permitted development rights for householders Technical Guidance (September 2019): 'A balcony is understood to be a platform with a rail, balustrade or parapet projecting outside an upper storey of a building. A 'Juliet' balcony, where there is no platform and therefore no external access, would normally be permitted development.' In this instance, the proposed Juliet balconies would not have any external access and would be in line with paragraph B.1(e) of Schedule 2, Part 1, Class B of the GPDO 2015.

** Extract from Permitted development rights for householders Technical Guidance (September 2019) with case officer emphasis in bold: 'The face and sides of a dormer window should be finished using materials that give a similar visual appearance to existing house. So **the materials used for facing a dormer should appear to be of similar colour and design to the materials used in the main roof of the house** when viewed from ground level.' In this instance, the existing main roof material is red/brown concrete tiles. It is noted that the original main dwelling has painted brick walls and that the existing rear extension has rendered walls. The proposed facing material for the dormer would be render and whilst this would match with the walls of the dwelling, it would not match with the main roof. Therefore the proposed materials would be contrary to paragraph B.2(a) of Schedule 2, Part 1, Class B of the GPDO 2015.

*** Extract from Permitted development rights for householders Technical Guidance (September 2019): 'It is sometimes necessary to remove the eaves of the original roof while works are carried out. To be permitted development eaves that are temporarily removed should be reinstated.' In this instance, the proposed Juliet balconies would disrupt the original eaves line such that it would not be maintained or reinstated. Therefore the proposed development would be contrary to paragraph B2(b) of Schedule 2, Part 1, Class B of the GPDO 2015.

Class C - Any other alteration to the roof of a dwellinghouse.

C.1	Development is not permitted by Class C if -	Y/N
(a)	permission to use the dwelling 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);	N
(b)	the alteration would 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;	N 0.1m
(c)	it would result in the highest part of the alteration being higher than the highest part of the original roof;	N
(d)	it would consist of or include – (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.	N

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.	N/A
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Conclusion

The proposed facing material for the dormer would be render, which would not match with the main roof of the dwelling and the proposed Juliet balconies would disrupt the original eaves line of the dwelling, such that it would not be maintained or reinstated. Therefore the proposed development would be contrary to paragraphs B.2(a) and B.2(b) of Schedule 2, Part 1, Class B of the GPDO 2015 and planning permission would be required.

The proposed roof lights would be in line with paragraphs C.1 and C.2 of Schedule 2, Part 1, Class C of the GPDO 2015 and planning permission would not be required for their installation.

Recommendation: Refuse Lawful Development Certificate

	Name/Signature	Date
Planning Officer	K Joyce	21.12.2021
Team Leader		21 December 2021