HUNTINGDONSHIRE DISTRICT COUNCIL

24/02050/CLED

OFFICER REPORT

Case No: **24/02050/CLED** **Certificate of existing lawful use**

Proposal: **Lawful Development Certificate (Existing) for removal of UPVC rear window on first floor of south elevation, infilled with brickwork to match existing. Installation of velux to first floor pitched roof.**

Location: **30 St Marys Street Farcet Peterborough**

Applicant: **M P Hayden**

Grid Ref: **520549 294650**

DESCRIPTION OF SITE AND APPLICATION

This application is seeking a Lawful Development Certificate for Existing Development relating to the removal and infill of a first-floor window to the rear (south) elevation of the dwelling and the installation of a roof light to a side (east) facing pitched roof plane.

The dwelling is a two-storey semi-detached dwellinghouse located in Farcet. There are no constraints associated with it.

The applicants consider that the works undertaken are permitted development. Therefore, the applicant seeks a Certificate of Lawful Existing Development to demonstrate the development detailed above is immune from formal planning enforcement action and considered lawful by virtue of its compliance with the General Permitted Development Order (As amended) 2015.

During the lifetime of the application a revised plan has been received. As this was purely for clarification and (as detailed below) there is no requirement for consultation a re-consultation with the Parish Council was not considered to be necessary on this occasion.

NATIONAL GUIDANCE

Town and Country Planning Act 1990

Town and Country Planning (General Permitted Development) Order 2015 (As amended)

RELEVANT PLANNING HISTORY

24/00895/HHFUL - Retrospective application for erection of single storey rear extension and works to boundary treatment (Permission)

CONSULTATIONS

There is no statutory requirement to consult third parties including Parish Councils or neighbours. It may, however, be reasonable for a LPA to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application. In this case it was considered reasonable to consult the local Parish Council but no representations have been received at the time of determination.

REPRESENTATIONS

No representations have been received at the time of determination.

SUMMARY OF ISSUES

The works must be assessed against the relevant part of the General Permitted Development Order. The relevant parts in the case are:

*Schedule 2, Part 1, Class A 'development within the curtilage of the dwellinghouse'

*Schedule 2, Part 1, Class C 'other alterations to the roof of a dwellinghouse'

Permitted Development (Class A)

The enlargement, improvement or other alteration of a dwellinghouse.

Development is not permitted by Class A if -

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

Officer comment: Compliant - the dwelling has not been subject to such change of use.

(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);

Officer comment: Compliant - no additional footprint.

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

Officer comment: Compliant - this does not relate to an extension and the rooflight (considered in further detail later in this report) is on a lower section of the dwelling and therefore the section altered does not exceed the height of the highest part of the dwelling.

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

Officer comment: Compliant - this does not relate to an extension and the eaves height of the section altered does not exceed the height of the eaves of the existing dwelling.

(e) the enlarged part of the dwellinghouse would 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;

Officer comment: Compliant - this certificate is not for an enlargement and in any event the location of the alterations accords with i and ii above.

(f) 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, or

(ii) exceed 4 metres in height;

Officer comment: Compliant - this certificate is not for an enlargement.

(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

(ii) exceed 4 metres in height;

Officer comment: Compliant - this certificate is not for an enlargement.

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, 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;

Officer comment: Compliant - this certificate is not for an enlargement.

(i) the enlarged part of the dwellinghouse would 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;

Officer comment: Compliant - this certificate is not for an enlargement.

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

(i) exceed 4 metres in height,

(ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse;

Officer comment: Compliant - this certificate is not for an enlargement.

(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 sub-paragraphs (e) to (j);

Officer comment: Compliant - this certificate is not for an enlargement.

(k) it would consist of or include—

(i) the construction or provision of a veranda, balcony or raised platform,

(ii) the installation, alteration or replacement of a microwave antenna,

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) an alteration to any part of the roof of the dwellinghouse.; or

Officer comment: Compliant - whilst works to the roof have been undertaken (installation of the rooflight), this is considered to be permitted development by virtue of Class C of Schedule 1, Part 2 of the GPDO (assessed in further detail later in this report).

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Officer comment: Compliant - the dwelling has not been constructed by virtue of this part.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A 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;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

(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 sub-paragraphs (b) and (c).

Officer comment: Compliant - the dwelling is not on article 2(3) land.

Works completed under Class A are subject to the following conditions:

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must 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 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; and

(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.

Officer comment: Compliant - a site visit confirms that the materials used closely match those of the existing dwelling, the roof window has been confirmed as obscure glazed (and will be conditioned as such), and the application form confirms that it is 1.7m from finished floor level.

Permitted development (Class C)

Any other alteration to the roof of a dwellinghouse

C.1 Development is not permitted by Class C if—

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

Officer comment: Compliant - the dwelling has not been subject to such change of use.

(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;

Officer comment: Compliant - the plans detail a 100mm (0.1m) projection from the roof.

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof;

Officer comment: Compliant -the rooflight is on a lower section of the dwelling and therefore does not exceed the height of the highest part of the dwelling.

(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.; or

Officer comment: Compliant - no such installations have been carried out.

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Officer comment: Officer comment: Compliant - the dwelling has not been constructed by virtue of this part.

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.

Officer comment: Compliant - the application form details that the rooflight is more than 1.7m from finished floor level and has been confirmed as obscure glazed (and will be conditioned as such).

CONCLUSION

The application is submitted under Section 191 of the Town and Country Planning Act, as amended. It seeks to ascertain that the operation of the removal and infill of a first-floor window to the rear (south) elevation of the dwelling and the installation of a roof light to a side (east) facing pitched roof plane which have been carried out are lawful.

Officers have assessed the application and consider that the operational development of the removal and infill of a first-floor window to the rear (south) elevation of the dwelling and the installation of a roof light to a side (east) facing pitched roof plane constitute permitted development in accordance with the aforementioned legislation and are therefore lawful.

It is therefore recommended that the Certificate for the lawful existing development is granted.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

CONTACT OFFICER:
Enquiries about this report to **Kevin Simpson**