

DELEGATED DECISION REPORT

HPK/2022/0508
Valid 07/11/2022

37 ELNOR LANE
WHALEY BRIDGE

LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED REAR DORMER
LOFT CONVERSION

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether the proposed development complies with the relevant parameters of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- Whether the proposed development complies with the relevant parameters of Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

DESCRIPTION OF SITE

37 Elnor Lane is a semi detached property which occupies a corner plot. No. 37 has previously had a 2 storey side extension, with single storey garage extension and single storey rear conservatory. There is also a single storey porch on the front elevation of the property. The property has yellow render, with red brick coursing. No. 37 has red clay roof tiles and uPVC windows throughout.

PROPOSAL

This application proposes to convert the existing loft space, via adding a rear dormer the original portion of the dwelling. 3 roof lights will also be installed on the front roof elevation of the original property.

Original plans demonstrated that the proposed dormer will be rendered, however this has been amended in revised plans which demonstrate that the dormer window will be tiled to match the existing roof tiles.

OFFICER COMMENTS

Principle of Development

37 Elnor Lane benefits from permitted development rights. As such, in the event that the proposed development complies with Schedule 2, Part 1, Class B and Class C of the General Permitted Development Order (GPDO), a Certificate can be granted. An assessment of the proposed development against the relevant criterion of class B is undertaken as follows:

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 –

- (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);**

The property has no planning history which shows any previous change of use. The application is thus compliant with Paragraph B.1 (a)

- (b) any part of the dwelling house would, as a result of the works, exceed the height of the highest part the existing roof;**

The flat roof of the dormer window will not exceed the highest part of the existing ridge line. As such the proposal complies with Paragraph B.1 (b)

- (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 window will be located on the rear elevation of the existing roof, not facing a highway, thus complying with Paragraph B.1 (c).

- (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 application site is a semi-detached property. The proposed dormer will not exceed 50 cubic metres. The dormer will be approximately 22 cubic metres and will comply with Paragraph B.1 (d).

- (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;

This application does not proposed a verandah, balcony, raised platform or installation or alteration of chimney, flue or soil and vent pipe. As such the application complies with Paragraph B.1 (e).

- (f) the dwellinghouse is on article 2(3) land;**

The application site is not on article 2(3) land, complying with Paragraph B.1 (f).

- (g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).;**

37 Elnor Lane was not built under Part 20 of Schedule 2, thus complying with Paragraph B.1 (g).

(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).

37 Elnor Lane was not enlarged in reliance on the permission granted by Class AA of Part 1 of Schedule 2 of the GPDO (2015). As such the application complies with Paragraph B.1 (h).

B.2 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 application originally proposed the dormer window to be finished in render. However, revised plans show the dormer to be finished in tiles to match those on the existing roof. As such the proposal (as represented in revised plans) complies with Paragraph B.2 (a).

(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 eaves of the original roof will be maintained and will be 0.2 metres away from the eaves. The dormer window will not extend beyond the outside face of any external wall of the original dwellinghouses. As such the proposal complies with Paragraph B.2 (b)

(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.

There will be one window located on the side of the dormer. This will be obscure glazed and non opening. As such this complies with Paragraph B.2 (c).

An assessment of the proposed development against the relevant criterion of Class C is undertaken as follows:

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);**

The property has no planning history which shows any previous change of use. The application is thus compliant with Paragraph C.1 (a)

- (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;**

The three proposed roof lights will not 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. The application therefore complies with Paragraph C.1 (b)

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

The proposed roof lights would not be higher than the highest part of the original roof, thus complying with Paragraph C.1 (c).

- (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.;

The proposal will not result in the installation of a chimney, flue or soil and vent pipe or the installation of solar photovoltaics or solar thermal equipment. As such the application complies with Paragraph C.1 (d).

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

The dwellinghouse was not constructed under Part 20 of Schedule 2. As such Paragraph C.1 (e) does not comply.

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.

The proposed roof lights will not be located on a side elevation of the dwelling. As mentioned above there will be a side window located in the dormer window which complies with Class B, as it will be obscure glazed and non-opening.

CONCLUSION / PLANNING BALANCE

In conclusion, the proposed development extension is considered to be in accord with Schedule 2, Part 1, Class B and Class C of the GDPO and as such it is recommended that a Certificate be granted.

OFFICER RECOMMENDATION : Grant Certificate

Case Officer: Tom Hiles/ Rachel Robinson

Recommendation Date: 4th January 2022

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council