CASE OFFICER'S REPORT

Application Reference:	PL/2023/10768
Application Type:	Lawful development: Proposed use
Site Inspection:	
Consultation ends:	11 December 2023
Case officer:	Stefan Galyas

Site Address:	The Haven, Stoneover Lane, Royal Wotton Bassett, Swindon, SN4 8QX
Proposal:	Loft conversion with rear/side dormers
Recommendation:	Approve

SITE DESCRIPTION AND PROPOSAL:

This application is for a Certificate of Lawful Proposed Development relating to the property at The Haven for a side and rear dormer in order to facilitate a loft conversion. The proposed dormer would be located on both the western and eastern roof slopes.

The proposed dormer would measure at 6.6m in length, have a maximum width of 4.1m and measure at 2.1m in height. The proposal would be located on the site known as The Haven, a two-storey semi-detached dwelling which fronts the western side of the highway.

ISSUES:

Whether the proposed development would be lawful at the time of the application.

ASESSMENT:

The application is made under the Town and Country Planning Act 1990: Section 192, as amended by Section 10 of the Planning and Compensation Act 1991. The local planning authority shall, if satisfied that the proposed development would be lawful at the time of the application, issue a certificate to that effect. This does not entail a consideration of the planning merits of the proposal or a qualitative assessment. The question is whether the information provided is sufficiently precise and unambiguous for the decision maker to reach the conclusion, on the balance of probability, that the proposed development would be lawful at the time the application was made.

KEY ISSUES:

It is the applicants' contention that the development would be lawful due to the provisions of Schedule 2, Part 1, Class B as well as C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO). Class B stipulates that development for the enlargement of a dwellinghouse consisting of an addition or alteration to the roof while Class C concerns other alterations to the roof of a dwellinghouse, subject to meeting the requirements set out under each class.

Development under the GDPO benefits from planning permission granted under Article 3 of the Order. Development that falls within the defined parameters of General Permitted Development, with no further approvals required, will therefore be lawful development provided that such rights have not been subject to specified restrictions on development, whether by condition or Article 4 direction.

The primary issue to be considered in this case is whether or not the proposal can be implemented without the need for planning permission from the local planning authority. Thus, the application must fall within the specified limitations and restrictions in this application for a certificate of lawfulness.

The proposal accords with **Class B.1(a).**

The development does not exceed the highest part of the existing dwellings roof and is therefore not contrary to **Class B.1(b).**

The proposal would not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and would not front the highway. Thus, the proposal is therefore not contrary to **Class B.1(c).**

The proposed extension would be contained to the rear (western) and side (southern) elevation and therefore would not front the roadside.

The development would not exceed the original roof space by more than 50 cubic meters and is therefore not contrary to **Class B.1(d, ii).**

The proposed side and rear dormer would incorporate a cumulative amount of roof space measuring at approximately 21.1m3 and therefore would be lower than the quoted 50 cubic meter requirement for detached and semi-detached dwellings.

The proposal would not include the construction of a veranda, balcony or raised platform. Additionally, the development would not install, alter or replace a chimney, flue or soil and vent pipe and is therefore not contrary to **Class B.1(e,i,ii)**

The existing dwelling is not located on article 2(3) land and is therefore not contrary to **Class B.1(f).**

The dwellinghouse was not built under Part 20, Schedule 2 of the GDPO and would therefore not be contrary to **Class B.1(g).**

The existing dwelling has not been enlarged in reliance on the permission granted by Class AA and is therefore not contrary to **Class B.1(h).**

With regard to Class C of the same schedule and part, the proposed rooflights, development would not be permitted under Class C if:

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

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

(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

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

CONCLUSION:

It is concluded that the proposed works are all within the bounds of permitted development under Class B and C and, therefore, a certificate of lawful development (proposed) should be granted.

RECOMMENDATION:

That the certificate of lawfulness be granted.

SCHEDULE 1: Loft conversion with rear/side dormers, in accordance with the details presented in the following plan(s):

Drawing No. 23/2080/01 Rev B: Existing-Proposed, dated January 2024 and received 26 January 2024.

SCHEDULE 2: The Haven, Stoneover Lane, Royal Wotton Bassett, Swindon, SN4 8QX