

4.4 - 18/00053/LDCEX Revised expiry date 16 March 2018

Proposal: Erection of dormer to rear and two roof lights on the front elevation to create a habitable room within the roof space

Location: 21 The Charne, Otford, Kent TN14 5LR

Ward(s): Otford & Shoreham

ITEM FOR DECISION

This application has been referred to Development Committee as the applicant is related to a member of staff.

RECOMMENDATION: That a Certificate of Lawful Development Existing is GRANTED subject to the following reason:

The proposal complies with all the requirements of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Description of Proposal

- 1 Erection of dormer to rear and two rooflights on the front elevation to create a habitable room within the roof space.

Description of Site

- 2 21 The Charne is a semi-detached property located within the eastern side of Otford village

Constraints

- 3 Area of Archaeological Potential

Relevant Planning History

- 4 None

Consultation

Otford Parish Council

- 5 Objection. This is a disproportionate loft extension. In our opinion it contravenes the Residential Extensions Supplementary Planning Document chapter 4.3 and is not lawful under planning regulations.

Representations

- 6 None received

Chief Planning Officer's Appraisal

- 7 The application is for a lawful development certificate to confirm whether the constructed development is lawful as set out under section 191 of the Town and Country Planning Act 1990.
- 8 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) set out classes of development for which a grant of planning permission is automatically given, provided that no restrictive condition is attached or that the development is exempt from the permitted development rights.
- 9 In this instance permitted development rights have not been removed and the proposal would meet the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B and Class C. The full report is set out within Appendix 1.

Principal Issues

- 10 The principal issue is whether the proposal meets the requirements of Schedule 2, Part 1, Class B - the enlargement of a dwellinghouse consisting of an addition or alteration to its roof and Class C - other alterations to the roof of a dwellinghouse.
- 11 *Class B - the enlargement of a dwellinghouse consisting of an addition or alteration to its roof*

Permitted development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development not permitted

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 M, N, P, PA or Q of Part 3 of this Schedule (changes of use);

The property was erected as a dwellinghouse and was not granted permission through virtue of the above classes;

(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 dormer roof does not exceed the height of the highest part of the 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 dormer is on the rear elevation of the house facing into the rear garden;

(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 property is semi-detached and the increased roof space would measure 29.42 cubic metres;

(e) it would consist of or include—

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

The proposal does not include the construction or provision of a veranda, balcony or raised platform;

or

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

The proposal does not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

or

(f) the dwellinghouse is on article 2(3) land.

The dwellinghouse is not on article 2(3) land;

Conditions

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 materials would be of a similar appearance to those used in the construction of 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;

The eaves of the original roof are maintained and this is not a hip to gable enlargement;

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;

the edge of the enlargement closest to the eaves of the original roof is not less than 0.2 metres from the eaves;

The proposal demonstrates that the dormer is not less than 0.2 metres from 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;

The proposal is a rear extension contained within the roof slope;

and

(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 windows of the dormer are all on the rear elevation;

Interpretation of Class B

B.3 For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4 For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

The works would meet the requirements of Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) Schedule 2, Part 1;

12 *Class C - other alterations to the roof of a dwellinghouse*

Permitted development

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

Development not permitted

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 M, N, P, PA or Q of Part 3 of this Schedule (changes of use);

The property was erected as a dwellinghouse and was not granted permission through virtue of the above classes;

(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 roof lights would 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;

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

The roof lights do not exceed the height of the highest part of the roof;

or

(d) it would consist of or include—

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

The proposal does not include the installation, alteration or replacement of a chimney, flue or soil or vent pipe;

or

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The proposal does not include the installation, alteration or replacement of solar photovoltaics or solar thermal equipment;

Conditions

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 proposal does not include any side windows;

The proposed works would meet the requirements of Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1.

Conclusion

- 13 The proposed works would meet the requirements of Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1.

Recommendation - Grant

Background Papers

Site and Block plans

Contact Officer(s): Guy Martin Extension: 7351

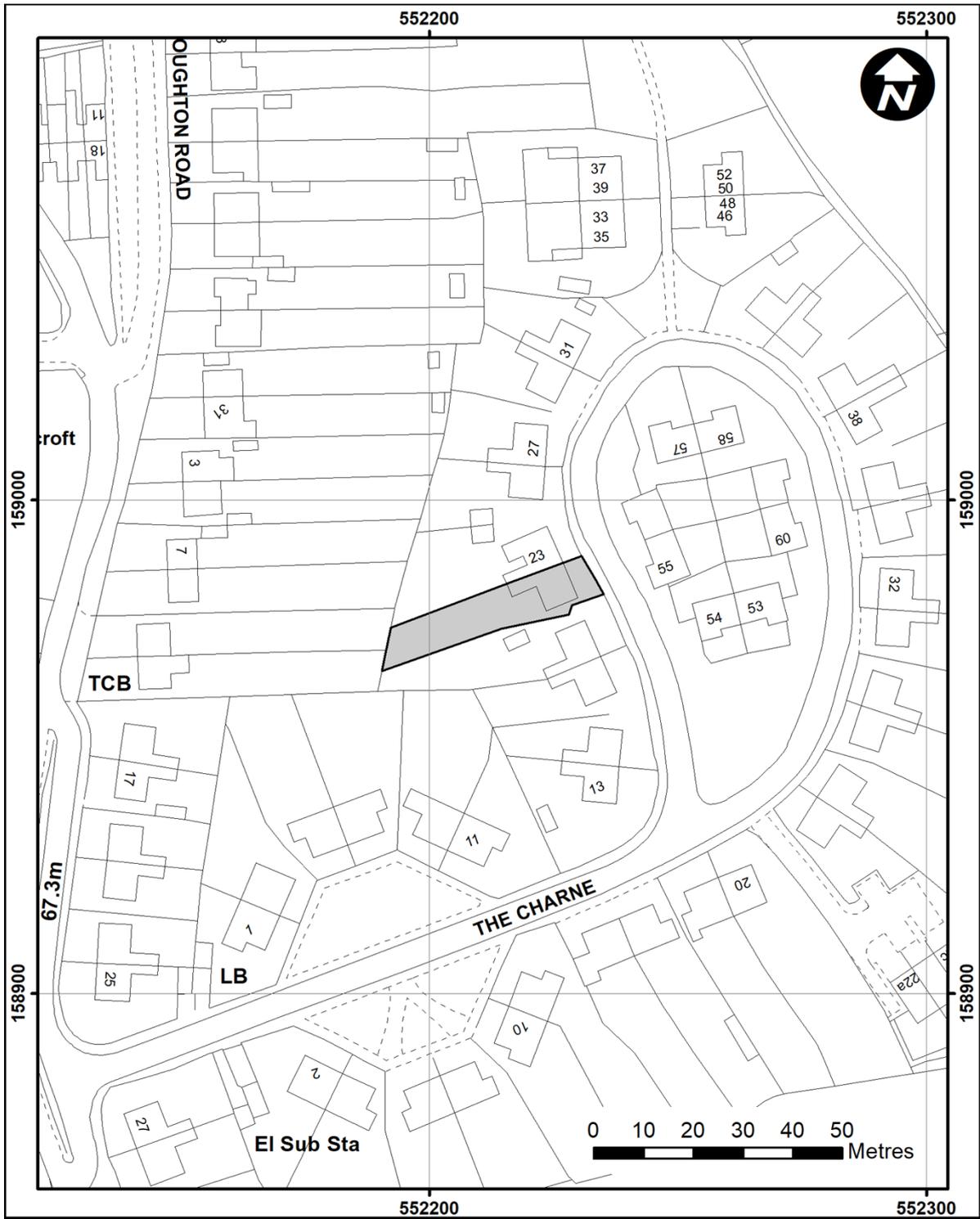
Richard Morris - Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P23E04BKLRB00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P23E04BKLRB00>




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 DISTRICT COUNCIL
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LAWFUL DEVELOPMENT CERTIFICATE
 18/00053/LDCEX
 21 The Charne, Otford, Kent, TN14 5LR
 Scale: 1:1,250
 Date: 12/02/2018
 Produced by the GIS Team, Sevenoaks District Council

