

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 23/501362/LAWPRO		
<b>APPLICATION PROPOSAL:</b> Lawful Development Certificate for proposed hip to gable loft conversion with rear box dormer.		
<b>ADDRESS:</b> 84 Loose Road, Maidstone Kent ME15 7UA		
<b>RECOMMENDATION:</b> The proposed hip-to-gable loft conversion and rear box dormer would be considered lawful development and would not require planning permission from the Local Planning Authority such that it would comply with Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposed development would meet the criteria set out in Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Application submitted by an elected member.		
<b>WARD:</b> High Street	<b>PARISH/TOWN COUNCIL:</b>	<b>APPLICANT:</b> Mr T Cannon <b>AGENT:</b> Building Design Studio
<b>CASE OFFICER:</b> Gautham Jayakumar	<b>VALIDATION DATE:</b> 20/03/23	<b>DECISION DUE DATE:</b> 2/6/23 (EOT agreed)
<b>ADVERTISED AS A DEPARTURE: NO</b>		

### Relevant Planning History

No Relevant Planning History

### MAIN REPORT

#### 1. DESCRIPTION OF SITE

1.01 The application site relates to a semi-detached two-storey dwellinghouse located on Loose Road within the urban boundary of Maidstone. The dwellinghouse is located on contoured land higher than the road level of Loose Road. The site is not located on any designated land nor are there any listed buildings or TPO's near the site. The site is not located within a flood zone.

#### 2. PROPOSAL

2.01 The proposal relates to a Lawful Development Certificate for proposed hip-to-gable loft conversion with rear box dormer.

2.02 Rear dormer : The dormer would sit within the rear roof-slope and have a width of approx. 5.96m, a height of approx. 2.78m and a maximum projection from the roof of approx. 2.96m.

2.03 Hip-to-gable : The existing hipped roof would be altered to become a gable. The gable would be built up off the existing side wall and the ridge would replicate the existing dwelling.

2.04 The case officer has calculated the volume to be approximately 35.92 cubic metres and materials would match the existing dwelling.

### 3. POLICY AND OTHER CONSIDERATIONS

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Permitted development rights for householders – Technical Guidance

### 4. APPRAISAL

- 4.01 Under section 192 of the Town and Country Planning Act 1990 an applicant can apply to seek to establish whether a proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes.
- 4.02 The assessment of the submission is solely regarding whether the proposal, namely the proposed hip-to-gable loft conversion with rear box dormer would meet the criteria set in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). No assessment can be given to the planning merits of the proposal nor conditions attached through the consideration of the submission.
- 4.03 Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), allows for additions etc to the roof of a dwellinghouse, it is under the criteria contained within that class that the submission should be assessed.
- 4.04 The application site retains its permitted development rights under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and no other designations apply.
- 4.05 Assessment of the proposed hip-to-gable loft conversion and rear dormer against Class B (Officer comments in bold)

*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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use); **N/A**

(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 proposed works would not exceed the height of the highest part of the existing 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 proposed works are to the rear of the dwellinghouse and therefore would not extend beyond its principal elevation.**

(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, **Not applicable.** or

(ii) 50 cubic metres in any other case; **This property is a semi-detached house.**

**No volume calculations have been provided with the application.**

**Having calculated the volume of the rear box dormer and the hip-to-gable extension it would appear to not exceed 50 cubic metres with the calculation being approximately 35.92 cubic metres.**

**This has been calculated as follows:**

**Rear dormer:  $(2.78 \text{ (h)} \times 2.96 \text{ (projection from roof)} / 2) * 5.96 \text{ (width)} = 24.52$**

**Hip to gable:  $(6.49 \text{ (depth of roof)} \times 3.1 \text{ (h)} \times 3.4 \text{ (distance from ridge to eaves)}) / 6 = 11.4$**

**Total volume =  $24.52 + 11.4 = 35.92$**

**Therefore, the proposal complies with this criteria.**

(e) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform, **N/A** or

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

(f) the dwellinghouse is on article 2(3) land.; **The dwellinghouse is not on article 2(3) land.** or

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

or

(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). **N/A**

### **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; **Plans submitted show materials used would be similar to 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 proposed rear dormer would be set within the existing roof slope and the eaves of the original roof would be maintained.** 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; **In line with the technical guidance, the proposed dormer would be set back approximately 0.23m 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 proposed dormer would not extend beyond the outside face of any external wall of the original dwellinghouse.** 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. **N/A**

## **5. CONCLUSION**

5.01 Considering the details submitted with this application, it is concluded that the proposed hip-to-gable loft conversion and rear box dormer would be considered lawful development and would not require planning permission from the Local Planning Authority such that it would comply with Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## **6. PUBLIC SECTOR EQUALITY DUTY**

6.01 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

## **7. RECOMMENDATION**

### **GRANT Lawful Development Certificate for the following reason**

with delegated powers to the Head of Planning and Development to be able to settle or amend the reason in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Reason :

- 1) The proposed development is permitted development by virtue of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, planning permission is not required for this proposal and the Lawful Development Certificate is granted.

## **INFORMATIVES**

- 1) The application was determined on the basis of the following documents:

Application form

Drawing No. BDS-LR-P01 (Existing plans)

Drawing No. BDS-LR-P02 (Proposed plans)

- 2) The applicant is reminded of the conditions set out in B.2 of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development)

(England) Order 2015 (as amended) and the need to comply with those conditions as set out below —

(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;

(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.

(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 about the floor of the room in which the window is installed.

- 3) The grant of this permission does not convey any rights of encroachment over the boundary with the adjacent property in terms of foundations, eaves, guttering or external cladding, and any persons wishing to implement this permission should satisfy themselves fully in this respect. Regard should also be had to the provisions of the Neighbour Encroachment and Party Wall Act 1995 which may apply to the project.
- 4) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.