DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0647/18/CLP
Proposal: Application for Lawful Development Certificate for the proposed removal of the existing polycarbonate roof to the rear garden room and the installation of a new roof on the existing structure which was erected 20 years ago.
Location: 145 Harton Lane
South Shields
NE34 0PW

Site Visit Made: N/A

Description of the site and of the proposals

This application has been made under Section 192 of the Town and Country Planning Act 1990; and is seeking a lawful development certificate for the proposed removal of the existing polycarbonate roof to the rear garden room of 145 Harton Lane and its replacement with a new tiled roof and 2no. rooflights. This is on the basis that the works would be able to benefit from permitted development by virtue of Class B and Class C of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Application details state that the materials used in the exterior work involved in the proposals would be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Publicity / Consultations

1) **Neighbour responses**

   N/A

2) **Other Consultee responses**

   N/A

Assessment

Section 192(2) of the Town and Country Planning Act 1990 states that " if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application."

The development would consist of the replacement of the existing roof of the single storey garden room extension to the rear of the property. This would result in an increase in the maximum height of the roof; and would include the insertion of 2 rooflights.

Class B of Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) covers additions or alterations to roofs which enlarge the house such as loft conversions involving dormer windows. 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 or Q of Part 3 of this Schedule (changes of use);

(b) any part of the dwellinghouse would, as a result of the works, 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;

(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;

(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; or

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

In this instance, the alteration to the roof would not exceed the height of the highest part of the existing roof. The garden room is located to the rear of the property and no part of the works would therefore extend beyond a roof slope which forms the principal elevation of the dwelling. The cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 40 cubic metres. As such, subject to the condition that the materials to be used for exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse, the replacement of the existing roof would benefit from being permitted development under this Class.

Class C of Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) covers other alterations to roofs such as re-roofing or the installation of roof lights/windows. 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 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; or

(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 highest part of the alteration would not be higher than the highest part of the original roof of the property. Subject to the rooflghts not protruding more than 0.15 metres beyond the plane of the slope of the roof slope, their installation would benefit from being permitted development under this Class. An informative is proposed to draw this requirement to the applicant's attention.

On this basis, the proposed works would be able to benefit from permitted development. It is therefore considered that if the replacement of the roof was undertaken it would be lawful for planning purposes; and it is recommended that this lawful development certificate be granted.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Grant Permission No Conditions

Informatives

1 NOTE TO APPLICANT

The proposed replacement of the existing polycarbonate roof to the rear garden room and its replacement with a new tiled roof would constitute permitted development by virtue of Class B of Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to the condition that:
- the materials used in the exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

2 NOTE TO APPLICANT

The insertion of 2no. rooflights to the new roof would constitute permitted development by virtue of Class C of Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to the condition that:
- the rooflights would not protrude more than 0.15 metres beyond the plane of the slope of the roof when measured from the perpendicular with the external surface of the roof.

List of approved plans for standard note

Plan Reference

Proposed Plan & Elevation, received 03/07/2018

Existing Plan & Elevation, received 03/07/2018

Case officer: Joshua Kenolty
Signed:
Date: 24/08/2018

Authorised Signatory:
Date:

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