DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0324/23/CLP
Proposal: Application for a Lawful Development Certificate for a proposed attic conversion to bedroom with en-suite (Total increased volume 47.5 m3)
Location: 68 Summerhill Road
South Shields
South Tyneside
NE34 6RZ

Site Visit Made: N/A

Relevant policies/SPDs
N/A

Description of the site and of the proposals
This application seeks a Lawful Development Certificate for a 'loft conversion' involving the insertion of 6 roof-lights at an existing 2 storey semi-detached dwelling. 3 roof light are proposed to the front roof slope, with the other 3 roof lights in the rear roof slope.

Publicity / Consultations
N/A

Assessment
The main issues for consideration in this case are:

- Whether Permitted Development Rights are applicable to this site;
- Whether sufficient information has been submitted with this application for the LPA to determine this application;
- Whether the proposed works constitute permitted development under Class A / Class C of Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Whether Permitted Development Rights are applicable
The property in question is not a Listed Building and applicable Permitted Development Rights have not been removed. It is considered that Permitted Development Rights are applicable to this site.

Whether sufficient information has been submitted
The applicants have submitted professional plans and elevations showing the location and scale of the proposed works. It is considered that sufficient information is available to the LPA to determine this application for a Lawful Development Certificate.

Whether the proposed works constitute permitted development

In this case the proposed internal work to facilitate the loft conversion are not considered as development, however the insertion of roof lights on the front and rear roof slope would comprise alterations to the roof of the dwelling house. The roof lights proposed must therefore be considered under Class C of the order and would therefore have to comply with the limitations and conditions stipulated under Class C of Part 1 of Schedule 2 of the GPDO 2015 (as amended). Each limitation and condition under Class C will therefore be listed (in bold) with the assessment regarding whether the proposed development would comply with each beneath.

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 or Q of Part 3 of this Schedule (changes of use);

The dwellinghouse has not been granted by virtue of M, N, P or Q of Part 3 of this Schedule (changes of use). It has been a dwellinghouse since it was constructed in the mid twentieth Century. The proposed rooflights would therefore meet this limitation.

(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 proposed rooflights would be flush with the plane of the slope of the original roof. It would therefore not protrude more than 0.15 metres. This is evident from submitted plans. The proposed rooflights would therefore meet this limitation.

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

The proposed rooflights would be positioned within the front plane and rear planes of the slope of the original roof. It would not result in the highest part of the alteration being higher than the highest part of the original roof. This is evident from submitted plans. The proposed rooflights would therefore meet this limitation.

(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 proposed rooflights would not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe, and would not include the installation, alteration or replacement of any solar photovoltaics or solar thermal equipment. This is evident from submitted plans. The proposed rooflights would therefore meet this limitation.

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.

In this case, the proposed rooflights would be positioned on the front and rear of the dwellinghouse and so would not be on a roof slope forming a side elevation. This is evident from submitted drawings. The proposed rooflights would therefore comply with this condition.

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

Summary

As demonstrated above, it is considered that:

- The proposed alteration to the roof (the front and rear roof lights) would meet the limitations and comply with the conditions under Class C of Part 1 of Schedule 2 of the GPDO 2015 (as amended).

On this basis it is considered that the proposal would be permitted development not requiring planning permission from the Council. It is therefore considered that if the proposed development was

undertaken, it would be lawful for planning purposes. Overall, it is recommended that a lawful development certificate for the proposed development be granted.

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

The reason for granting a Certificate of Lawfulness is as follows:

The proposed loft conversion works would constitute permitted development under Class C of Schedule 2 to Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore planning permission is not required from the Council for such works.

Recommendation

Grant Lawful Development Certificate

Informatives

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.

Plan Reference

Existing Elevations and Section Drg. No. 3508(B)02 received 25/04/2023

Existing Floor Plans Drg. No. 3508(B)01 received 25/04/2023

Existing Site Layout Plan Drg. No. 3508(B)04 received 25/04/2023

Proposed Elevations and Section Drg. No. 3508(C)02 received 25/04/2023

Proposed Floor Plans Drg. No. 3508(C)01 received 25/04/2023

Proposed Site Layout Plan Drg. No. 3508(C)03 received 25/04/2023

Case officer: Drewe Russell
Signed: Drewe Russell
Date: 03/07/2023

Authorised Signatory: Helen Lynch
Date: 03/07/2023

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