

Regeneration and Economic Development Department

APPLICATION NO: 22/00175/CLD

APPLICANT: Mr Ben Bracken

WARD AFFECTED: Swanside

DEVELOPMENT: CERTIFICATE OF LAWFULNESS FOR A PROPOSED CONVERSION OF LOFT INCLUDING THE ERECTION OF REAR DORMER EXTENSION AND A HIP TO GABLE EXTENSION TOGETHER WITH ROOF LIGHTS TO FRONT ROOF SLOPE

LOCATION OF SITE: 19 Church Road, Roby, Knowsley, L36 9TL

KNOWSLEY LOCAL PLAN ALLOCATION –

Primarily Residential Area

RELEVANT POLICIES

N/A

TECHNICAL CONSULTATIONS:

None Required.

NEIGHBOUR NOTIFICATION:

N/A

ISSUES AND ASSESSMENT:

PROPOSAL

This application is for a Lawful Development Certificate relating to the proposed enlargement, addition and alterations to the roof of a dwelling house comprising loft conversion and dormer extension to the rear and alterations to the roof from hipped to gable.

LEGISLATION GUIDANCE

Section 192 of the Town and Country Planning Act 1990 ("The Act") establishes the purpose and effects of certificates of lawfulness of proposed uses or development.

RELEVANT PLANNING HISTORY

There has been no restriction or withdrawal of permitted development rights at the property and there are no conditions which restrict the proposed development.

ASSESSMENT OF THE PROPOSAL

The application is made on the basis that the proposal falls within The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The issues in determining the certificate are considered to be:

1. Whether the proposal constitutes "development";
2. If so, whether the proposal requires planning permission.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

Whether the proposal constitutes 'development'

Section 55 (1) of the Act provides 'Subject to the following provisions of this section, in this Act, except where the context otherwise requires, 'development' means the carrying out of building, engineering, mining or other operations in, on or under land, or the making of any material change of use in the use of any buildings or other land'.

The proposed works constitute development under the Act.

Whether the proposal requires planning permission

If the proposal falls within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO) express planning permission is not required.

Firstly, the proposed development comprises (proposal (a) and (b)) a dormer extension and hip to gable alterations. The works to provide enlargement of the dwellinghouse consisting of an addition and alteration to its roof and falls to be assessed under Class B - '*Class B - additions etc to the roof of a dwellinghouse*' of Part 1 Development within the Curtilage of a dwellinghouse of Schedule 2 (Permitted Development Rights) of the GDPO.

Secondly - it is also proposed to insert 3 no. roof lights within the front roof slope of the original dwelling house and the resulting hip to gable alterations facing onto the highway (Church Road). It is considered that the proposed roof light within the existing roof falls to be assessed under Class C - '*Class C - other alterations to the roof of a dwellinghouse*' of Part 1 Development within the Curtilage of a dwellinghouse of Schedule 2 (Permitted Development Rights) of the GDPO.

However, as the other two rooflights (within proposal (b)) would not be in the original roof of the dwellinghouse and which are part of *additions etc to the roof of a dwelling house*, it is officer's view that these would fall to be considered as part of the hip to gable alterations under Class B as above.

PROPOSAL HIP TO GABLE ALTERATIONS INCORPORATING 2 NO. ROOFLIGHTS (B) DORMER EXTENSION

PERMITTED DEVELOPMENT

Class B - additions etc to the roof of a dwellinghouse

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

Assessment: 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;

Assessment: The alterations to the roof would be not higher than 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;

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

Assessment:

The proposal would involve the insertion of rooflights within the proposed hip to gable extension which is to the front of the dwelling. Works could therefore be considered to extend beyond an existing roof slope that forms a principal elevation. However, in interpreting the permitted development, guidance set out in the “*Permitted development rights for householders Technical Guidance*” (September 2019 – Ministry of Housing, Communities and Local Government) states that “*Rooflights in a loft conversion on a principal elevation may however be permitted development as long as they meet the requirements set out under Class C*. The rooflights across this development are therefore considered further on in this report.

- (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;

Assessment:

The property a semi- detached dwelling and the alterations would not exceed 50 cubic metres in volume.

- (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;

Assessment:

The proposed development does not include any of the criterion detailed in parts (i) - (ii) above and is therefore not applicable.

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

Assessment:

The property is not located on Article 2(3) land. In respect of the Borough of Knowsley this would refer to Conservations Areas.

- (g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses);
or

Assessment:

The host dwelling has not been constructed under Part 20.

- (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).

Assessment:

There have been no additional storeys added to the property.

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;

Assessment:

The application confirms that the materials to be used in the construction would match the existing dwelling and this has been confirmed by email from the agent (28/07/22).

- (b) the enlargement must be constructed so that –

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

- (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

Assessment :

Hip to Gable Alterations:

The proposed development would comprise alterations to the roof that would involve a hip to gable construction – this part of the development does not therefore fall to be considered in terms of criterion (aa) and (bb)

Dormer Extension:

(aa) the proposed elevation show that eaves would be present.
 (bb) The edge of the dormer would be approximately 0.38 m measured along the roof slope from the edge of the enlargement to the outer edge of the eaves and is therefore more than 0.2 m.

- (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; and

Assessment:

Although the overall development would extend beyond the outside face of an external wall when taking into consideration roof details as indicated further on in this report, Interpretation - ***B.4 indicates:- 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...***

- (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.

Assessment:

(i) A window is proposed within the side elevation of the hip to gable alterations and the application indicates that the side window would be glazed in opaque / frosted glass.

(ii) The window would be non-opening, confirmed by agent by email (28/07/22).

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) –

- (a) 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; and
- (b) "rear or side extension" includes an original part of, or a subsequent extension of, the dwellinghouse that extends from the rear or side of the principal part of the original dwellinghouse.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

PERMITTED DEVELOPMENT

PROPOSAL (C) – INSTALLATION OF 3 NO. ROOF LIGHTS TO FRONT ROOF SLOPE OF EXISTING DWELLING AND WITHIN HIP TO GABLE ALTERATIONS

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

Assessment:

N/A.

- (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;

Assessment:

The Submitted plans show that one of the roof lights would be located on the plane of the original dwelling another would straddle the original roof and the hip to gable alteration and another wholly within the hip to gable extension.

For the purposes of considering the rooflights that are not within the ‘roof of a dwellinghouse’ the guidance set out in the “*Permitted development rights for householders Technical Guidance*” (September 2019 – Ministry of Housing, Communities and Local Government) states that “*Rooflights in a loft conversion on a principal elevation may however be permitted development as long as they meet the requirements set out under Class C.*”

The plans do not show that any of the rooflights would protrude more than 0.15 m beyond the plane of the original roof. This is confirmed by the agent in an email (28/07/22).

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

Assessment:

No part of the development would be higher than 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

Assessment:

The proposed development does not involve works falling within criterion (i) and (ii) above.

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

Assessment:

There have been no additional storeys added to the property.

Conditions

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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.

Assessment:

The proposal does not involve any windows on a side roof slope.

CONCLUSION

The proposed works comply with the provisions as laid down within Class B and Class C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development (England) Order) 2015 (as amended). Consequently, the proposed development would be considered lawful.

RECOMMENDATION:

That a Certificate of Lawfulness be granted

- 1) The proposed works comply with the provisions laid down within Class B and Class C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development (England) Order) 2015 (as amended).

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
30/03/2022	-	-	LOCATION PLAN
29/03/2022	02	-	PROPOSED (SCHEME DESIGN)
21/03/2022	01	-	EXISTING

Maxine Wishart

26 July 2022

Signed by Mark Quinn
04/08/2022

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02