

Application Number	18/1741/CL2PD	Agenda Item	
Date Received	7th November 2018	Officer	Nigel Blazeby
Target Date	2nd January 2019		
Ward	West Chesterton		
Site	15 Highworth Avenue Cambridge CB4 2BQ		
Proposal	Application for a Certificate of Lawfulness under section 192 for a hip to gable roof extension and rear box dormer, with Juliet balcony and front roof lights.		
Applicant	Mr And Mrs Kimberley 15 Highworth Avenue Cambridge CB4 2BQ		

SUMMARY	<p>A Lawful Development Certificate should be granted for the following reasons:</p> <p>The rear dormer and hip to gable roof extension are compliant with Schedule 2, Part 1, Class B of the GPDO</p> <p>The front rooflights are compliant with Schedule 2, Part 1, Class C of the GPDO.</p>
RECOMMENDATION	GRANT CERTIFICATE

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a two storey semi-detached property on the western side of Highworth Avenue. This is a predominantly residential area characterised by brick and render semi-detached properties.
- 1.2 The site is not located within a conservation area, nor is it within the Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 This is an application for a Certificate of Lawfulness for a hip to gable roof extension with rear facing dormer, incorporating Juliet balcony, and roof lights to front elevation.

2.2 The application has been submitted under S192 of the Town and Country Planning Act 1990. It is an application for a Certificate of Lawfulness for a proposed development. It is not an application for planning permission and the planning merits of the proposal are not therefore relevant considerations.

2.3 The applicant seeks to demonstrate that:

- ☐ No extension is to be higher than the highest part of the existing roof.
- ☐ No extension is to be beyond the plane of the existing roof slope of the principal elevation that fronts the highway.
- ☐ The works would not include the construction or provision of a verandah, balcony or raised platform or the installation, alteration or replacement of a chimney, flue or soil and vent pipe
- ☐ The dwelling house is not within a Conservation Area
- ☐ There are no side-facing windows
- ☐ The velux window on the front elevation would not protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from perpendicular with the external surface of the original roof.
- ☐ External materials to be similar in appearance to the existing house.
- ☐ The dormer will be set back at least 20cm from the eaves
- ☐ The cubic content of the resulting roof space would be less than 50 cubic metres

2.4 The application is supported by plans and a statement of proposed materials.

2.5 The application must be determined at planning committee as the applicant is a Council employee.

3.0 SITE HISTORY

Reference	Description	Outcome
C/93/0896	Erection of extension to dwelling house (single storey extension to rear).	Approved with conditions

4.0 PUBLICITY

4.1	Advertisement:	No
	Adjoining Owners:	No
	Site Notice Displayed:	No

5.0 POLICY

- 5.1 The application seeks a lawful development certificate. The planning merits of the proposal are not relevant to this consideration. The Development Plan, including the Cambridge Local Plan 2018 is similarly not a relevant consideration.

6.0 CONSULTATIONS

None

7.0 REPRESENTATIONS

None

8.0 ASSESSMENT

Roof Extension

- 8.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Class B sets out that 'The enlargement of a dwellinghouse consisting of an addition or alteration to its roof' is permitted development, but then goes on to explain that development is not permitted in a number of specific circumstances. Those specific tests are set out below in italics, with the officer response to this specific case below.

(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);

This is not relevant as the property is not a dwelling that has been permitted through the prior approval process.

(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 hip-to-gable roof extension is of equal height to the existing roof and the proposed dormer is lower than the existing ridge height.

(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;

No part of the roof extension extends beyond the front roof slope.

(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 dwelling is not a terrace house and the additional cubic space is not more than 50 cubic metres.

(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

The proposed roof extension does not consist of or include any of these elements. For clarification, the term 'balcony' above only applies to projecting balconies and does not include Juliet balconies, such as proposed within this application.

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

The dwelling is not within a conservation area.

8.2 The Order goes on to stipulate that external materials used shall be of a similar appearance to those used for the existing property; that the edge of the addition should so far as is practicable be at least 20cm from the existing eaves of the original roof; and to impose limitations on side windows. In this case the agent has indicated that the materials are to reflect the existing. The addition is much more than 20cm above the existing eaves and no side windows are proposed.

8.3 Having considered all the tests I am of the opinion that the addition proposed to the roof of this dwelling house constitutes permitted development.

Front Rooflights

- 8.4 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Class C sets out that 'Other alterations to the roof of a dwellinghouse' is permitted development, but then goes on to explain that development is not permitted in a number of specific circumstances. Those specific tests are set out below in italics, with the officer response to this specific case below.

(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);

As stated in paragraph 8.1, this is not relevant to this case.

(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 rooflights do not protrude more than 0.15m beyond the original roof slope.

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

No part of the roof lights are higher than the highest part of 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.

The proposed roof extension does not consist of or include any of these elements.

- 8.5 Having considered all the tests I am of the opinion that the introduction of the rooflights constitutes permitted development.

9.0 CONCLUSION

- 9.1 Based on the evidence submitted, I am of the opinion that the proposed additions meet with the criteria set out in Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

10.0 RECOMMENDATION

APPROVE the granting of a Lawful Development Certificate.