

2024/0153

Mr Kyle Travis

5 Redhaw Road, Royston, Barnsley, S71 4GE

Lawful development certificate for proposed loft conversion with rear dormer

Site Description

The application relates to a two-storey detached dwelling located on Redhaw Road, Royston. The dwelling has a garden to the side and a driveway to the rear leading to a detached garage.

Planning History

2012/1337 - Full application for erection of 143 dwellings, supermarket (Class A1), petrol filling station, additional parking for community campus, public open space, landscaping access, parking and outline application for health centre (Class D1) with all matters reserved, Land at Midland Road, Royston, Barnsley (Approved Subject to Legal Agreement)

2016/1078 - Erection of 77 no dwellings with associated highways, drainage, parking, garages and gardens (amended plans) (Approved Subject to Legal Agreement)

2017/1117 - Discharge of conditions 5, 6, 7, 8, 10, 12, 13, 14, 16, 18, 25, 28, 30, 31, 32, 33, 36 of 2012/1337- Erection of 143 dwellings, supermarket, petrol filling station, additional parking, public open space, landscaping access, parking and outline application for health centre (Approve)

2017/1274 - Discharge of conditions 3 (proposed ext. materials) 4 (proposed levels) 6 (construction method statement) 8 (dilap survey) 9 (landscape) 13 (boundary treatment) 14 (geotechnical) 15 (ecological) of 2016/1078- Erection of 77 no. dwellings with associated highways, drainage, parking, garages and gardens (Approve)

Permitted Development Rights have not been removed from the property.

Proposed Development

The application is for a certificate of lawfulness for the erection of a proposed loft conversion with a rear dormer to the dwelling at 5 Redhaw Road, under Section 192 of the Town and Country Planning Act 1990. Section 192(1) provides that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land, would be lawful, may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question. Section 192(4) then provides 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 shall refuse the application.

The applicant has submitted the following plans in support of the LDC application:

Drawing No.: 23-176 Dwg No. 01 Rev. B

The proposed dormer will be located to the rear of the dwelling. The proposal is for the erection of a large flat roofed rear dormer. The dormer measures approximately 8.52 metres x 2.44 metres x 2.44 metres. The proposal is set back from the original eaves by 0.2 metres.

Planning Context

For the avoidance of doubt, and to ensure proper assessment, it should be established what the principal elevation of the dwelling is. The GPDO Technical Guidance supporting document states that in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house. In this case, the principal elevation is that which fronts directly onto Redhaw Road.

Rear dormer extensions are allowed to be constructed without obtaining planning consent, providing they meet the criteria set out in Class B, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO):

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);

(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;

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

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

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;

(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; 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.

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.

Consultations

The LPA’s Legal team were consulted, and no objections were received.

Assessment

Class B of Schedule 2, Part 1 of the GPDO 2015 (as amended) permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof where certain criteria are met. This includes being allowed to erect a dormer extension on the rear elevation of a detached dwelling with the volume of the enlargement no more than 50 cubic metres. The proposal must be similar in

appearance to the existing house and must not exceed the height of the existing roof. The dormer must also be set back at least 0.2m from the original eaves. The application has been assessed and the criteria has been met, therefore the development complies with the legislation and as a result meets the requirements of Permitted Development Rights.

Recommendation

Approve