Application: 2023/1019
Type: Lawful Development Certificate
Applicant: Mr Kamberi
Site Address: 8 Elizabeth Street, Goldthorpe, Rotherham S63 9NA
Proposal: Certificate of Lawfulness for proposed development of

Location & Property Description

Elizabeth Street is a row of terrace houses located within predominantly residential area located close to Goldthorpe town centre. The dwelling itself is a mid-terraced house with an unoriginal two-story outrigger style extension at the rear of the dwelling. Along with other single or two-storey rear extensions featured on some dwellings within the street, all appear to be unoriginal and constructed post 1948. The front of the dwelling opens on to the pavement, but the rear of the dwelling features a narrow but reasonably long garden.

Proposed Development

The original proposal incorporated a ground floor rear extension in addition to the current proposal. This aspect of the proposal was removed and is now subject to a separate planning application. The amened proposal now contains just the roof extension, rear dormer and two front rooflights of the original proposal.

The proposed roof extension incorporates a dormer on the rear elevation with a volume of 24.33m, which is sited 23.5cm above the eaves. The windows within the dormer feature a two thirds height horizontal divide, and a triple vertical divide in the largest of the two proposed windows. The proposed rooflights would be on the front elevation and not protrude more than 15cm. All materials used are proposed to be match those of the original dwelling.

The applicant has submitted the following documents in support of their LDC application: (Nos ABC365/1001; ABC365/1000; ABC365/2001 REV A; ABC365/2000 REV A; Location Plan; Site Plan; Block Plan & Acknowledgement to Planning Policy Statement Letter

All works relate to the dwelling at 8 Elizabeth Street, Goldthorpe, Rotherham S63 9NA

Planning History: No planning applications recorded.

Planning Context

Section 192(1) of The Town and Country Planning Act 1990 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 enlargement of a dwellinghouse consisting of an addition or alteration to its roof is allowed to be constructed without obtaining planning consent, providing it meets the criteria set out in Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Permitted Development

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

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.

Consultee Legal – No comments

Assessment

Schedule 2, Part 1, Class B of the GPDO 2015 (as amended) permits roof extensions, dormers and rooflights to be installed in a dwelling if certain criteria is met. Having thoroughly checked the proposed development against the GPDO 2015 (as amended), the proposed works comply with this legislation and consequently are eligible for a Lawful Development Certificate

Recommendation:

Approve with conditions