

Mark Sawyers

Delegated Officer Report Recommendation – Proposed - Approve Cert Lawfulness

Application number: UTT/22/1364/CLP
Proposal: Installation of photovoltaic panels to garage roof.
Site Address: Walsingham, Dunmow Road, Hatfield Heath, Bishops Stortford, CM22 7EE
Parish: Hatfield Heath
Ward: Hatfield Heath
Applicant: Mr Matthew Dobson
Agent: Mr Andrew Crocker
Target Date: 24th June 2022
Expiry Date: 8th July 2022
Extension of Time Date: Not Applicable

Plans:

Plan Ref	Version	Received
SKK3219/201 01		13th May 2022

Planning Policies:

Policy	Local Plan	Local Plan Phase
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Planning Applications History (if any):

Reference No.	Status	Decision Date	Proposal
UTT/20/0368/HHF	AC	22/04/2020	Insertion of 6 No. Velux windows into the existing roof above the garage.
UTT/20/1006/TPO	TA	23/06/2020	Remove deadwood to 3 no. Oak
UTT/22/0739/CLP	RCL	06/04/2022	Installation of photovoltaic panels to garage roof.
UTT/22/1219/HHF	INV		Installation of PV panels to garage roof
UTT/0285/79	AC	14/05/1979	Extension to provide new flatlet at first floor level minor alterations to ground floor
DUN/0449/70	AC	25/01/1971	Site for dwelling house
DUN/0466/69	AC	14/11/1969	Addition of kitchen & car-port

DUN/0456/72	AC	12/09/1972	Extension to dining room
UTT/1076/00/FUL	R	12/10/2000	Erection of detached dwelling and double garage
UTT/0705/10/FUL	AC	14/06/2010	Second floor extension to provide shower room
UTT/1719/00/FUL	AC	23/02/2001	Proposed two-storey dwelling with double garage
UTT/2396/10/DOC	DC1	24/12/2010	Application to discharge condition C.8.28 of UTT/0705/10/FUL

Planning Appeals History (if any):

Reference No.	Status	Decision Date	Proposal
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Neighbour / Public Responses:

No. Neighbours Notified	No. Contributions Received
0	0

Note: Neighbour comments (if any) can be viewed online at www.uttlesford.gov.uk/planning

Consultee Responses:

Consultee Name	Date Comments Received	Nature of Consultation
No Comments Received		

Note: Consultee comments (if any) can be viewed online at www.uttlesford.gov.uk/planning

Officer Report

NOTATION:

Within Development Limits (HATFIELD HEATH)
 Within Metropolitan Greenbelt (Lower part of the Garden)
 Tree Preservation Order – 12/94/40 (Oak)
 Mineral Safeguarding Area – Sand/Gravel

DESCRIPTION OF SITE:

The application site comprises a two-storey detached dwelling located within a ribbon development running north/south. The dwelling has external materials of red-faced brick plinth with cream render elevations under a red tiled roof with uPVC throughout. The dwelling is set back from the highway and there is large gravelled area to the front for parking in addition to the double garage.

DESCRIPTION OF PROPOSAL:

This application relates to a Certificate of Lawful Development in respect of the installation of photovoltaic panels to garage roof.

RELEVANT SITE HISTORY:

UTT/1719/00/FUL – Proposed two-storey dwelling with double garage (APPROVED)

UTT/20/0368/HHF – Insertion of 6 No. Velux windows into the existing roof above the garage (APPROVED)

PLANNING CONSIDERATIONS:

The main planning consideration is whether this proposal complies with the requirements of Schedule 2, Part 1 Development within the curtilage of a dwellinghouse (Class C) and Part 14 Renewable Energy (Class A) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The application relates to the proposed installation of photovoltaic panels to garage roof. In order to be permitted development the proposal must therefore comply with the criteria set out in Paragraphs C.1 and associated Conditions and Interpretation in C.2 of the order. Development is not permitted by Class C if any of the criteria are not met.

APPRAISAL:

Class C. Any other alteration to the roof of a dwellinghouse.

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

COMMENT: The proposal complies.

(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;

COMMENT: The proposal complies.

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

COMMENT: The proposal complies.

(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

COMMENT: The proposal complies.

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

COMMENT: The proposal complies.

Conditions

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.

COMMENT: The proposal complies.

The application relates to the proposed installation of photovoltaic panels to garage roof. In order to be permitted development the proposal must therefore comply with the criteria set out in Paragraphs A.1 and associated Conditions and Interpretation in A.2 of the order. Development is not permitted by Class A if any of the criteria are not met.

Class A. Installation or alteration etc of solar equipment on domestic premises

A.1 Development is not permitted by Class A if—

(a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

COMMENT: The proposal complies.

(b) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

COMMENT: The proposal complies.

(c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;

COMMENT: The proposal complies.

(d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or

COMMENT: The proposal complies.

(e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

COMMENT: The proposal complies.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

(a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;

(b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and

(c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

COMMENT: The proposal complies.

Conclusion

The proposed development is permitted by Schedule 2, Part 1, Class C and Part 14, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is therefore lawful.

Conditions

1 The proposed development is permitted by Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

2 The proposed development is permitted by Schedule 2, Part 14, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Informative(s):-

1.
 1. This certification is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
 2. It certifies that the operations specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and thus would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
 3. This certificate applies only to the extent of the operations described in the First Schedule and in the land specified in the Second Schedule and identified on the attached plan. Any operations which are materially different from those described or which relate to other land may render the owner or occupier liable to enforcement action.
 4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness

2. Please note that Building Regulations may be required - please contact Uttlesford District Council Building Surveyors on 01799 510538 or 01799 510535. Alternatively email building@uttlesford.gov.uk for further information.

Authorising Officer and date:

Nigel Brown
13 May 2022