

OFFICER DELEGATED REPORT

Reference No.: 24/00669 **Cert of Lawfulness of Proposed Dev**
Proposal: Certificate of lawfulness to determine whether the proposed 1 no. Single storey side extension, 1 no. Single storey rear extension, 1 no. Hip to gable of Main Roof and 1 no. Rear Dormer to facilitate a loft conversion is lawful.
Location: 166 Windsor Road Maidenhead SL6 2DW
Applicant: Mr Long
Agent: Miss Maddison-Rose Jacobs
Date Received: 18 March 2024
Case Officer: David Johnson
Recommendation: Permitted Development
Parish/Ward: Bray ParishBray

SUMMARY REPORT ON APPLICATION

1.0 INTRODUCTION

- 1.1 This application is of a nature where the Council's Constitution delegates the authority to make the decision to the Head of Planning rather than it being determined by a Panel of Councillors.
- 1.2 By indicating that the development proposal complies with the relevant provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the planning officer is taking into account the information submitted with the application and any previous relevant applications.
- 1.3 No neighbours were consulted as the application is for a Certificate of Lawfulness of a proposed development the determination of which is based only on the legal issues involved and is not a discretionary matter.

2.0 SUMMARY OF MAIN ISSUES

This application is for a Certificate of Lawfulness for a proposed development. This decision is based only on legal issues involved and is not a discretionary matter. As such Local Plan Policies are not relevant for this application with the determination made only in relation to the relevant provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended); see italicised text below.

Does the site benefit from permitted development rights: Yes.

Permitted development

Class A. The enlargement, improvement or other alteration of a dwellinghouse.

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

- (a) *permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PQ or Q of Part 2 of this Schedule (changes of use)*

Permission to use the dwellinghouse as a dwellinghouse has not been granted by virtue of Class M, N, P, PA or Q of Part 2 of this Schedule. **The proposal complies.**

- (b) *as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);*

As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage. **The proposal complies.**

- (c) *the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;*

The height of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse. **The proposal complies.**

- (d) *the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;*

The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse. **The proposal complies.**

- (e) *the enlarged part of the dwellinghouse would extend beyond a wall which -*

- (i) *forms the principal elevation of the original dwellinghouse; or*
(ii) *fronts a highway and forms a side elevation of the original dwellinghouse*

The enlarged part of the dwellinghouse would not extend beyond a wall which forms the principal elevation of the original dwelling or fronts a highway and forms a side elevation of the original dwellinghouse. **The proposal complies.**

- (f) *subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—*

- (i) *extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or*
(ii) *exceed 4 metres in height*

The enlarged part of the dwellinghouse would have a single storey but would not extend beyond the rear of the dwellinghouse by more than 3 metres or exceed 4 metres in height. **The proposal complies.**

- (g) *for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—*

- (i) *extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or*
(ii) *exceed 4 metres in height;*

N/A

- (h) *the enlarged part of the dwellinghouse would have more than one storey and –*

- (i) *extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or*

- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;”.

The enlarged part of the dwellinghouse would not have more than one storey. **The proposal complies.**

- (i) *the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;*

The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse but the height of the eaves of the enlarged part would not exceed 3 metres. **The proposal complies.**

- (j) *the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would -*

- (i) *exceed 4 metres in height,*
- (ii) *have more than one storey, or*
- (iii) *have a width greater than half the width of the original dwellinghouse; or*

The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse but would not exceed 4m in height, have more than one storey or have a width greater than half the width of the original dwellinghouse. **The proposal complies.**

- (ja) *any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (e) to (j)*

The proposal complies.

- (k) *it would consist of or include -*

- (i) *the construction or provision of a veranda, balcony or raised platform,*
- (ii) *the installation, alteration or replacement of a microwave antenna,*
- (iii) *the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or*
- (iv) *an alteration to any part of the roof of the dwellinghouse.*

The proposed enlargement does not consist of or include any of the above. The proposal complies.

A.2 *In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if -*

- (a) *it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;*
- (b) *the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or*
- (c) *the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse*

- (d) *any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (b) and (c)*

The application site is not on article 2(3) land.

Conditions

A.3 *Development is permitted by Class A subject to the following conditions -*

- (a) *the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*
- (b) *any upper-floor window located in 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 1.7m above the floor of the room in which the window is installed.*
- (c) *where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.*

Class B. Additions etc to the roof

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 M, N, P or Q of Part 3 of this schedule (changes of use);

Permission to use the dwellinghouse as a dwellinghouse has **not** been granted by virtue of Class M, N, P, or Q of Part 3 of this Schedule. **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;

No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof. **The proposal complies.**

- (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 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. **The proposal complies.**

- (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 cubic content of the resulting roof space at 28.36cbm would not exceed the cubic content of the original roof space by more than 50cbm. **The proposal complies.**

- (e) it would consist of or include -
- (i) the construction or provision of a veranda, balcony or raised platform, or;
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

The proposal does not consist of or include any of the above. **The proposal complies.**

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

The application site is **not** on article 2(3) land.

Conditions

B.2 Development is permitted by Class B subject to the following conditions -

- (a) the materials used in any exterior work shall 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 1.7m 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 and enlargement to the original roof space, whether permitted by this Class or not.

B.4 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.

3.0 COMMENTS FROM INTERESTED PARTIES

No neighbours were consulted as the application is for a Certificate of Lawfulness of a proposed, rather than an existing, development the determination of which is based only on the legal issues involved and is not a discretionary matter.

4.0 RECOMMENDATION

The proposal is automatically granted planning permission under Article 3 and Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), subject to the conditions specified in those Classes, and an express grant of planning permission is not required.

Grant Certificate of Lawfulness.

- 1 The proposal is automatically granted planning permission under Article 3 and Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), subject to the conditions specified in those Classes, and an express grant of planning permission is not required.

Informatives

- 0 Work on a loft or roof may affect bats. The applicant will need to consider protected species when planning work of this type. A survey may be needed, and if bats are using the building, a licence may be required. To view specific information regarding bats use the following link:<https://www.gov.uk/wildlife-licences>