


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	LW	Date:	03/07/2025	Manager:	KH	Date:	03/07/25
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Application Ref:	3/2025/0410			 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	N/A	Site Notice:	N/A	
Officer:	LW			
DELEGATED ITEM FILE REPORT:				PERMISSION NOT REQUIRED

Development Description:	Certificate of Lawfulness for proposed loft conversion with insertion of velux roof light to front and dormer extension to rear.
Site Address/Location:	29 Deer Park Crescent, Whalley, BB7 9XH.

CONSULTATIONS:	Parish/Town Council
N/A	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	N/A

CONSULTATIONS:	Additional Representations.
N/A	

RELEVANT POLICIES AND SITE PLANNING HISTORY:
Schedule 2 Part 1 Class B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
Relevant Planning History:
3/2018/0925: Proposed two storey side extension (Approved).
3/2014/0043: Phase 1 reserved matters application (appearance, landscaping, layout, scale) for the erection of 54 dwellings pursuant to outline planning permission 3/2013/0137 (Approved).
3/2013/0137: A residential mixed use development comprising 260 dwellings (C3), a primary school (D1), a new vehicular link between Clitheroe Road and the A671 including creation of a new junction both onto the A671 and Clitheroe Road, car parking, open space and associated landscaping (Approved).

ASSESSMENT OF PROPOSED DEVELOPMENT:
Site Description and Surrounding Area:
The application relates to a detached two-storey residential dwellinghouse at no.29 Deer Park Crescent, located within the defined settlement area of Whalley.
Proposed Development for which consent is sought:
Consent is sought for a Certificate of Lawfulness for the construction of a rear dormer extension and addition of 1no. rooflight to the front elevation.

The proposed dormer would project 1.98m from the rear roof slope of the application property with a length and height of 10.8m and 2.3m respectively.

Other Matters:

Assessment of the proposal in relation to the provisions of Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In order to be permitted development, the proposed development needs to satisfy a number of criteria as comprised in Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the enlargement of a dwellinghouse consisting of an addition or alteration to its 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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Permission to use the dwellinghouse has not been granted by virtue of Class G, M, MA, N, P, PA or Q of Part 3.

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 development would not exceed the height 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;

No part of the proposed development would extend beyond the plane of any existing roof slope which forms the principal elevation 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;

The Permitted development rights for householders Technical Guidance states that “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.”

The cubic content of the proposed dormer would be 23.84 cubic metres.

It is noted that the property was granted planning consent for the construction of a two-storey side extension under application ref: 3/2018/0925. However, this, permission has not been implemented and has now expired. The cubic content of the resulting roof space would therefore not exceed the cubic content of the original roof space by more than 50 cubic metres and as such, the proposal complies with the above criterion.

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;

The proposed development would not consist of or include any of the above.

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

The dwellinghouse is not on article 2(3) land.

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

The dwellinghouse is not built under Part 20.

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).

The existing dwellinghouse has not been enlarged in reliance on the permission granted by Class AA.

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;

The dormer would be finished in tile cladding which would be of a similar appearance to the roof of 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 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 0.2m 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

The eaves of the original roof would be maintained or reinstated, and the edge of the proposed dormer would be more than 0.2m from the eaves. The proposed development would also not extend beyond the outside face of any external wall of the original dwellinghouse.

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.

No windows on a wall or roof slope forming a side elevation would be installed as part of the development.

Assessment of the proposal in relation to the provisions of Schedule 2 Part 1 Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In order to be permitted development, the proposed development needs to satisfy a number of criteria as comprised in Schedule 2 Part 1 Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for 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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (change of use);

Permission to use the dwellinghouse has not been granted by virtue of Class G, M, MA, N, P, PA or Q of Part 3.

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 proposed rooflight would not protrude more than 0.15m beyond the plane of the roof slope.

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

The proposal would not be 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; or

The proposed development would not include any of the above.

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

The dwellinghouse is not built under Part 20.

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

Development is not 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.

No windows are proposed to a roof slope forming a side elevation of the dwellinghouse.

Observations/Consideration of Matters Raised/Conclusion:

The proposed development constitutes permitted development under Schedule 2 Part 1 Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to the conditions outlined in B.2 and C.2 of this Part.

RECOMMENDATION:	That the Certificate of Lawfulness be granted.
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