

Ribble Valley Borough Council

**DELEGATED ITEM FILE REPORT – Certificate of Lawfulness Proposed Use**

Ref: CB

<b>Application No:</b>	3/2011/0521
<b>Development Proposed:</b>	Application for a Lawful Development Certificate for a proposed hipped pitched roof to replace the flat roof on the existing two storey side extension at 8 Chatburn Avenue, Clitheroe, BB7 2AU

**RELEVANT LEGISLATION:**

Town and Country Planning (General Permitted Development) Order 2008

**CONSULTATIONS: Highway/Water Authority/Other Bodies**

N/A

**CONSULTATIONS: Nearby Residents**

N/A

**PLANNING HISTORY**

3/1996/0546 – Construction of conservatory, demolition of existing porch and construction of a kitchen extension - Approved

6/2/1733 – Extension forming bedroom over existing garage. Approved

6/2/1089 – Two detached houses with garages. Approved

**REASONS FOR REFUSAL:**

The proposed works do NOT constitute permitted development under Schedule 2, Part 1, Class A-H of the GPDO, Class A.1(d), A.1(h), A.1(i) and Class C.1(a).

**COMMENTS/ENVIRONMENTAL/AONB/HUMAN RIGHTS ISSUES/RECOMMENDATION:**

The application seeks to determine whether the proposal to create a pitched roof on an existing two storey flat roof side extension is permitted development under Schedule 2, Part 1, Classes A - H of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

When considering whether a development proposal is permitted development, all of the relevant Parts of the rules and all the Classes within those Parts need to be taken into account. This view is substantiated by the guidance published by DCLG (Permitted development for householders Technical Guidance, p.g.7). In order to be permitted development, a proposal must meet all the limitations and conditions under the Classes relevant to the proposal. It is therefore essential that any proposed household development is considered in the context of the permitted development rules as a whole in order to determine whether it benefits from permitted development rights and therefore does not require an application for planning permission.

In relation to this proposal, I consider Classes A, B and C of the aforementioned Order to be applicable. I will discuss the relevant parts of these classes in turn below.

Under the provisions of Schedule 2, Part 1, Class A of the aforementioned Order, I consider that this proposal does not comply with the following parts:

- (d) the enlarged part of the dwellinghouse would extend beyond a wall which—*
  - (i) fronts a highway, and*
  - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;*

The planning history for the property clearly shows that the two storey flat roof addition on which the new roof proposed is an extension to the original dwelling (Planning Application: 2/6/1733). Taking this in to account, the two storey flat roof extension is positioned on the side elevation of the property and this elevation faces onto Chatburn Avenue, a highway.

- (h) *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;*

The height of the existing eaves level is approximately 5.3m, the addition of a pitched roof on top of the eaves will therefore exceed the 4 metre height allowance.

- (i) *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 proposal is to alter the existing flat roof on the two storey side extension to a hipped roof, therefore the proposal does not meet part iv.

Under the provisions of Schedule 2, Part 1, Class B of the aforementioned Order, I consider that this proposal complies with the requirements of this class, particularly, as the cubic content of the resulting roof space would not exceed 50 cubic metres in volume, therefore meeting the permitted volume.

Under the provisions of Schedule 2, Part 1, Class C of the aforementioned Order, I consider that this proposal does not comply with the following parts:

- (a) *the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof*

The erection of a hipped roof will protrude beyond the plane of the original roof in excess of the 150 millimetre allowance.

Taking in to consideration all the sections of the Order the proposal does not comply with the sections of the Town and Country Planning (general Permitted Development) Order 2008 referred to above.

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#### **SUMMARY OF REASONS FOR REFUSAL:**

The proposed works do NOT constitute permitted development under Schedule 2, Part 1, Class A-H of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

**RECOMMENDATION:** That a Certificate of Lawfulness for a proposed use be refused.