

PLANNING COMMITTEE: 16th March 2021
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2021/0068

LOCATION: 14A Abington Park Crescent

DESCRIPTION: Lawful Development Certificate for proposed loft conversion, including installation of rear and side dormer windows, rooflight and chimney

WARD: Park Ward

APPLICANT: Mr Tony Ansell
AGENT: LMR Designs

REFERRED BY: Director of Planning and Sustainability
REASON: Applicant is a member

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reasons:

The proposed development detailed within drawing number 020-012-003 Revision B submitted on 24th February 2021 would be lawful complying with the provisions of Classes B and G of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2 THE PROPOSAL

2.1 The application relates to a Lawful Development Certificate for a proposed development (CLOPUD) in respect of the enlargement of the dwelling house by the installation of three dormer window roof extensions and a chimney projecting from the existing roof.

3 SITE DESCRIPTION

3.1 The application site relates to a bungalow constructed on the site of the Old Parsonage set behind dwellinghouses fronting the southern side of Abington Park Crescent and accessed via a private way between Nos. 13 and 14 Abington Park Crescent. Within its curtilage No. 14a has a detached garage that sits to the side of the western elevation.

- 3.2 Two of the proposed dormers would be installed to the front of the application property which faces due north north-west facing the rear gardens and elevations of Nos. 14 and 15 Abington Park Crescent. The rear elevation faces the rear gardens and elevations of Nos. 28 and 30 Meshaw Crescent.
- 3.3 The western side elevation overlooks the grounds of the neighbouring St Christopher's (Church of England War Memorial Home).
- 3.4 The eastern side elevation, which it is proposed will house one dormer window, faces the bottom of the rear gardens of the dwellings fronting Abington Park Crescent.
- 3.5 The site lies adjacent to Abington Park Conservation Area.

4 PLANNING HISTORY

- 4.1 The existing dwellinghouse was constructed in the early 20th century on the site of the Old Parsonage and has existed long before those properties now fronting Abington Park Crescent. There is no recorded planning history that would restrict or prevent this application for a Proposed Lawful Development (CLOPUD) being affirmed as lawful. Permitted development rights are intact.

5 PLANNING POLICY & STATUTORY DUTY

- 5.1 Planning policy is not relevant as the assessment is whether the development is lawful within the criteria of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 5.2 There is no requirement for notification of the application to other owners or for publicising it, as the matters determined are solely on evidence and law. Northampton Borough Council as the Local Planning Authority (LPA) does not have the power to modify the description of the use or development when granting a CLOPUD. However, it can request for further details in any application or it may refuse to grant the certificate.
- 5.3 The Onus of proof for a CLOPUD is on the applicant, and it is determined on a balance of probability rather than beyond reasonable doubt.

6 CONSULTATIONS/ REPRESENTATIONS

- 6.1 No consultations were dispatched by Northampton Borough Council in relation to this application for a CLOPUD.

7 APPRAISAL

- 7.1 Class B, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits the enlargement of a dwellinghouse consisting of an addition or alteration to the roof as permitted development subject to certain criteria as set out in the legislation.
- 7.2 The proposed development in respect of the proposed dormer windows has been assessed under the requirements of Paragraph B.1 of Schedule 2 of the GPDO which stipulates development is not permitted by Class B if:

(Note: Officer assessment is in bold type below)

- (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).

The dwellinghouse was not permitted under these classes. Therefore this criterion is passed.

- (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 roof enlargements do not exceed the highest part of 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;

None of the existing roof slopes proposed enlarged front 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 proposed enlargement totals 12.86 Cubic metres as detailed on drawing number; 020-012-003 Revision B submitted on 24th February 2021.

- (e) it would consist of or include—

- (i) the construction or provision of a verandah, balcony or raised platform, or
There is no verandah, balcony or raised platform proposed.

- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

The proposed chimney measuring 0.72 cubic metres is not permitted under class B, however, is permitted by Class G, as referenced later in this report.

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

The dwellinghouse is not located on article 2(3) land which within Northampton would refer only to a designated Conservation Area.

- 7.3 Under Class B, in respect of the dormers proposed, alterations are permitted subject to the above requirements and subject to conditions requiring materials used to be similar in appearance to the existing dwellinghouse; maintaining the eaves of the original roof and the edge of the enlargement not being situated within less than 0.2m of the eaves; no part of the enlargement extending beyond the outside face of any external wall of the original dwellinghouse; and any side facing window being obscure glazed and non-opening up to 1.7m above the floor of the room in which the window is installed.
- 7.4 The plans have been amended to obscure glaze the proposed side facing bedroom window and ensure it is non-opening up to 1.7m above the floor of the room in which the window is installed to comply with the above requirements.
- 7.5 The proposed chimney is assessed under Class G, Schedule 2 of the GPDO which permits alterations to a dwellinghouse by the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.
- 7.6 Under Paragraph G.1 development is not permitted by Class G 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);

The dwellinghouse was not permitted under these classes. Therefore this criterion is passed.

- (b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or

The proposed chimney is would not exceed the highest part of the highest part of the roof by 1 metre of more.

- (c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—
(i) fronts a highway, and
(ii) forms either the principal elevation or a side elevation of the dwellinghouse.

The dwellinghouse is not located on article 2(3) land which within Northampton would refer only to a designated Conservation Area.

7.7 Alterations under Class G are permitted without specific conditions.

8 CONCLUSION

- 8.1 In assessing the proposed development for the installation of dormer windows and a chimney as proposed against the provisions of Classes B and G of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended), the proposed development is considered lawful, subject to the conditions contained with Class B of Schedule 2 of that Order.

9 BACKGROUND PAPERS

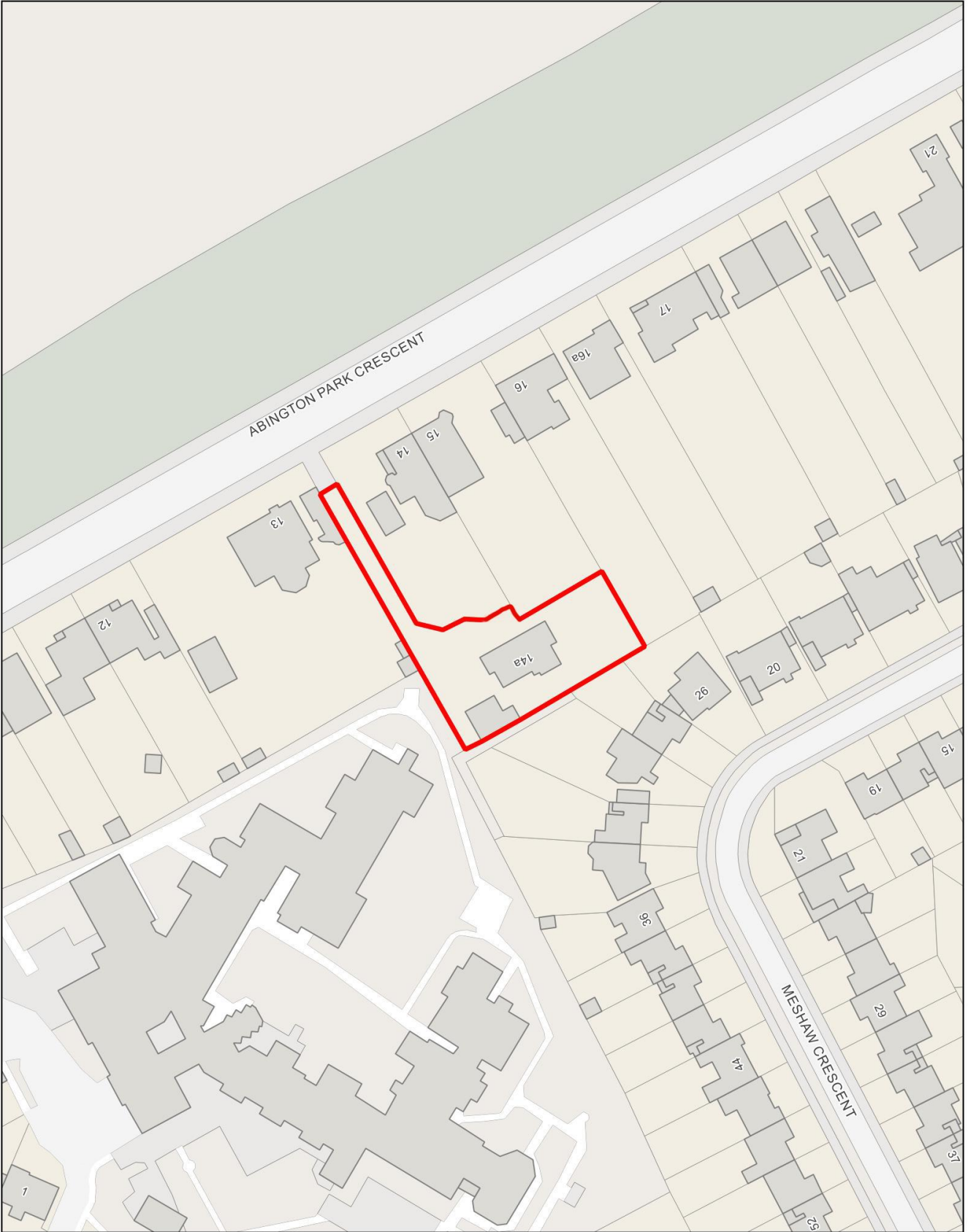
- 9.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

10 LEGAL IMPLICATIONS

- 10.1 The development is not CIL liable.

11 SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **14A Abington Park Crescent**

© Crown copyright and database rights 2018 Ordnance Survey licence no. 10019655

Date: 05-03-2021

Scale: 1:1,000

Drawn by: -----