

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 22 February 2023

**Report from:** Assistant Director of Housing and Built Environment

**Application address:** 10 Greville Road, Hastings, TN35 5AL

**Proposal:** Application for a Certificate of proposed Lawful development for a loft conversion with rear dormer meeting the criteria of Class B - Permitted Development

**Application No:** HS/PR/22/00961

**Recommendation:**

Ward: TRESSELL 2018  
Conservation Area: No  
Listed Building: No

Applicant: Coral Harding & Terri Dowling per LGS New Holme Victoria Road Bexhill TN39 3PD

**Public Consultation**

Site notice:	No
Press advertisement:	No
Neighbour Letters:	No
People objecting:	0
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated -  
Application by serving employee in restricted post.

## 1. Site and surrounding area

The application site relates to No. 10 Greville Road, a two-storey with basement semi-detached dwellinghouse situated on the south side of the road. The property is located within a residential area, north of Speckled Wood. The dwelling is not listed nor located within a conservation area.

## Constraints

N/A

## 2. Proposed development

Application for a Certificate of proposed Lawful development for a rear dormer extension and no. 2 rooflights fitted to the roof on the front elevation.

### Relevant planning history

None relevant

### National and local policies

The question of whether the proposed development is lawful is not assessed against national or local planning policy.

## 3. Consultation comments

In respect of this application, no consultations were required.

## 4. Representations

As this is a Certificate of Lawful Proposed Development and not a planning application to be assessed against policies in terms of impact upon the character of the area or neighbouring amenities, there is no requirement to carry out public consultation in the form of neighbour letters or site notices.

## 5. Determining issues

The application has been assessed under the relevant provisions of Schedule 2, Part 1, Class B of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), as follows:

<b>B.1 Development is not permitted by Class B if:</b>	<b>Complies</b>	<b>Commentary</b>
(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);	Yes	
(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	Yes	
(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;	Yes	

(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;	Yes	New element is 20.5m <sup>3</sup>
(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; or	Yes	
(f) the dwellinghouse is on article 2(3) land.	Yes	
(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) or	Yes	
(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).	Yes	

<b>B.2 Development is permitted by Class B subject to the following conditions:</b>	<b>Complies</b>	<b>Commentary</b>
(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;  Window frames should be similar to those in the existing house in terms of colour and shape.	Yes	
(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	Yes	0.38m from outside edge of eaves.

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 1.7 metres above the floor of the room in which the window is installed.	Yes	No side elevation windows proposed.

## 6. Conclusion

The proposed rear dormer extension with no. 2 rooflights fitted to the roof on the front elevation complies with the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The application is therefore recommended for approval for the issue of a Certificate of Lawful Development.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

## 7. Recommendation

1. (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;
- (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 1.7 metres above the floor of the room in which the window is installed.

2. The development shall be carried out in accordance with the details approved under drawing number: HAST10GR002
3. The materials and colours to be used in the construction of the external surfaces and windows of the extension hereby permitted shall match those used in the existing building.

**Reasons:**

1. To ensure that the proposed development falls within the limit of permitted development within Class B of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
2. In accordance with the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015
3. In the interests of the visual amenity of the area.

**Notes to the Applicant**

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. This certificate is issued solely for the purposes of Section 192 of the Town and Country Planning Act 1990 (as amended).
3. It certifies that the matter specified in the First Schedule taking place on the land described in the Second Schedule would be lawful, on the specified date and, therefore, would not have been liable to enforcement action under Part 7 of the 1990 Act on that date.
4. This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any matters which are materially different from those described or which relate to other land may render the owner or occupier liable to enforcement action.
5. 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.
6. The conditions set out at Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) will need to be complied with in full.

7. This notice does not give clearance or approval under any other legislation including building regulations. It relates only to the notification under the 2015 General Permitted Development Order as detailed above.
8. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at [www.naturespaceuk.com](http://www.naturespaceuk.com)

Contact details: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

9. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

---

### **Officer to Contact**

William Larkin, Telephone 01424 783250

### **Background Papers**

Application No: HS/PR/22/00961 including all letters and documents