

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2205/0E1
2.	<b>Proposed Development:</b>	APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED DEVELOPMENT - EXTERNAL ALTERATIONS TO A DWELLING HOUSE COMPRISING NEW KITCHEN WINDOW, PATIO DOORS AND BLOCKING UP OF DOOR OPENING TO REAR SINGLE STOREY EXTENSION AND INSERTION OF ROOF LIGHTS TO MAIN ROOF AND SINGLE STOREY PROJECTION
3.	<b>Location:</b>	67 NEWTON STREET, MILLOM
4.	<b>Parish:</b>	Millom
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: NO  Site Notice: NO  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>Site and Location</b> <p>This application relates to 67 Newton Street, a terraced property located within Millom.</p> <p>The property benefits from a single-storey lean-to projection within the rear yard and it is bound by a boundary wall.</p>	

## **Proposal**

This application seeks a lawful development certificate for a proposed development.

The proposal includes the following external alteration works:

- Insertion of a new kitchen window on the side elevation of the rear single-storey projection and patio doors on the rear elevation of the main house;
- Blocking up of a door opening on the side elevation of the rear single-storey projection; and
- Insertion of roof lights to the main roof of the dwelling and the rear single-storey projection.

## **Planning Policy**

Town and Country Planning Act 1990 – Section 192 as amended by Section 10 of the Planning and Compensation Act 1991

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

## **Assessment**

Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 is relevant as the proposed works relate to development within the curtilage of a dwelling house.

The proposed window and door alterations relate to the ground floor of the dwelling and therefore they are considered to fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 – enlargement, improvement or other alterations of a dwellinghouse.

The provision of Schedule 2, Part 1, Class A of the GPDO 2015 are considered in turn below:

In respect of the provisions of A. –

The proposal comprises the improvement or alteration of a dwelling house.

The development does not comprise of that referenced in A.1 and A.2.

In respect of the provisions of A.3 –

- (a) The materials are similar in appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) The proposed window and door alterations relate to the ground floor of the existing house and the single-storey rear projection and are located within the rear yard of the

terraced property. On this basis, condition (b) does not apply.

In respect of provision A4 – Not relevant.

In addition, the existing property benefits from an existing loft conversion with two roof lights and therefore the proposal does not relate to Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 for additions to the roof of a dwelling house.

On this basis, Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 is applicable which relates to other alterations to the roof of a dwelling house.

The provision of Schedule 2, Part 1, Class C of the GPDO 2015 are considered in turn below:

In respect of the provisions of C. –

The proposal comprises the alteration to the roof of a dwelling house.

In respect of the provisions of C.1 -

- (a) The property has not been granted permission to use the dwelling house as a dwelling house by virtue of Part 3 of the GPDO (change of use);
- (b) The proposed alterations (velux windows) will not protrude more than 0.15 metres beyond the plane of the slope of the original roof;
- (c) The height of the proposed alterations will not exceed the height of the highest part of the original roof;
- (d) The development does not comprises that referenced in (i) or (ii);
- (e) The dwelling house was not built under Part 20 of this Schedule.

In respect of the relevant provisions of C.2 -

No additional windows will be located on a roof slope forming a side elevation of the dwelling.

The proposed works are considered to be suitably located and the modest design will minimise the impact of the development on the surrounding area.

### Conclusion

Having considered the proposal against the criteria outlined in Class A and Class C Part 1, Schedule 2 of this Order, I am satisfied that the proposed works comply and falls within the definition of permitted development, therefore the Certificate of Lawfulness should be granted.

8.	<b>Recommendation:</b> Approval of Certificate of Lawfulness	
<b>Case Officer: C. Wootton</b>		<b>Date : 21/08/2023</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 04/09/2023</b>
<b>Dedicated responses to:- N/A</b>		