



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 7 February 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/1173: Application for a Certificate of Lawfulness for a proposed rear dormer at 18 Lynmouth Avenue, Northampton

WARD: Park

APPLICANT: Mr. R. W. Smith

REFERRED BY: Scheme of Delegation
REASON: Applicant is related to an NBC officer

APPLICATION FOR DETERMINATION:

***Note:** The Committee's attention is drawn to the fact that this application requires an assessment as to whether the proposed rear dormer is lawful (i.e. that no planning permission is required), and that only an endorsement of the officer's recommendation is required.*

1. RECOMMENDATION

1.1 That a **Certificate of Lawfulness be issued**, for the reason:

The development, a proposed rear dormer extension to this bungalow, is permitted by reason of Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

2. THE PROPOSAL

2.1 This is an application for a Certificate of Lawfulness for a proposed rear dormer to a bungalow.

3. SITE DESCRIPTION

3.1 A 1960's semi-detached bungalow located on a corner plot, with front and rear dormers and a garage to the rear.

4. PLANNING HISTORY

4.1 None relevant.

5. APPRAISAL

5.1 The proposal does not require planning permission as it falls within the parameters of Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

5.2 The drawings indicate that the proposed dormer confirms with parameters of Class B of the Order as follows:

- It would not exceed the height of the highest part of the existing roof;
- It would not front a highway;
- It would not exceed the 50m³ enlargement of the original roof space;
- It would not include a balcony or a chimney;
- The site is not within article 1(5) land (e.g. a Conservation Area);
- The edge of the enlargement closest to the eaves of the original roof is not less than 20cm from the eaves of the original roof; and
- The materials to be used are to be of a similar appearance to those used in the construction of the exterior of the existing dwelling house.

5.3 As the permitted development rights conveyed by Class B of the Order have not been altered or removed either by condition of a planning permission or by Article 4 Direction, the proposed development does not require planning permission.

6. CONCLUSION

6.1 The proposed dormer window is lawful by reason of Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and the permitted development rights are unfettered therefore the Certificate of Lawfulness must be granted.

7. BACKGROUND PAPERS

7.1 N/2011/1173 and The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

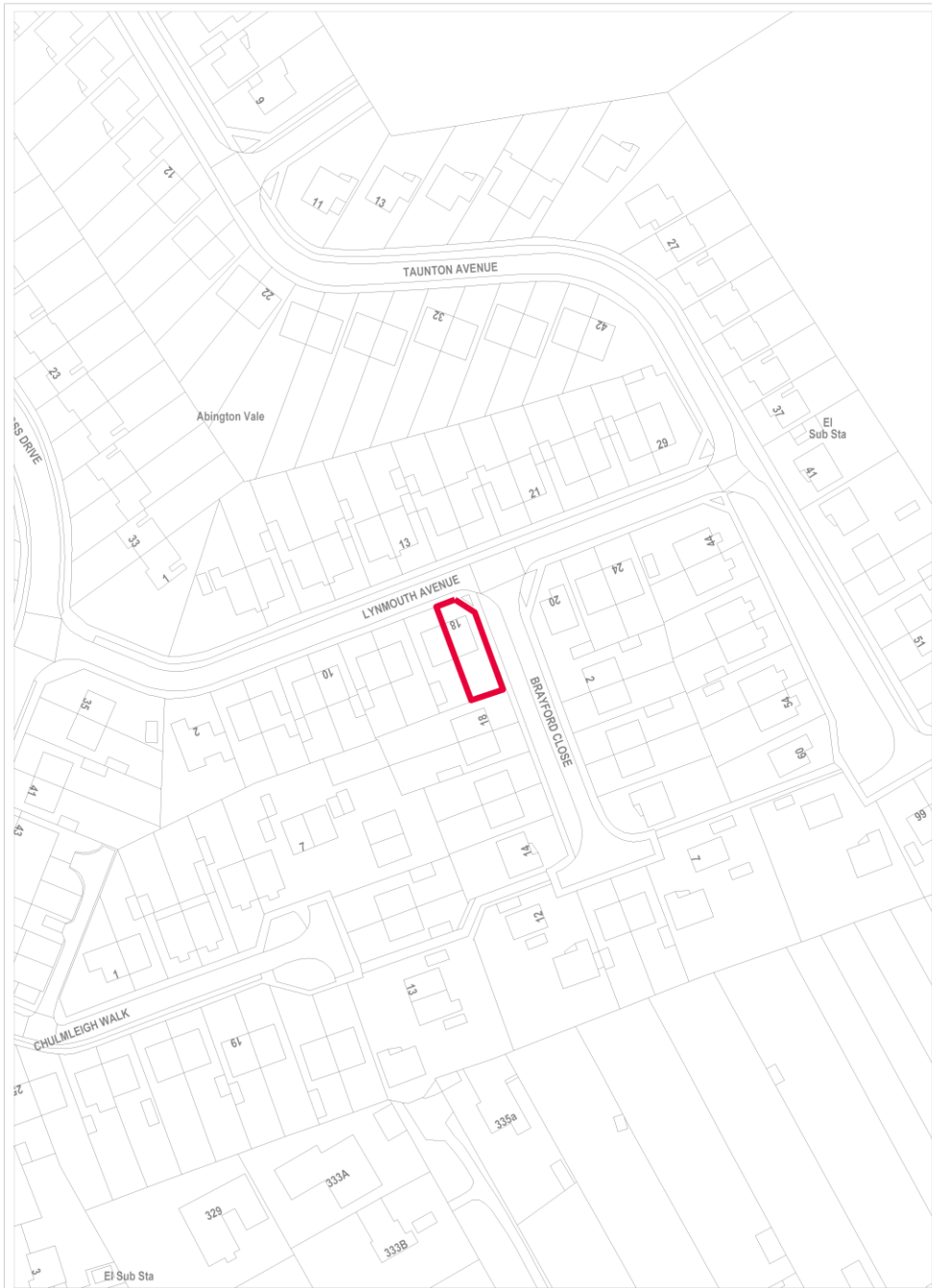
8. LEGAL IMPLICATIONS

8.1 None other than formally confirming the lawful status of the proposed development.

9. SUMMARY AND LINKS TO CORPORATE PLAN

- 9.1 In determining applications regarding the lawfulness of development only a technical assessment against the relevant legal provisions can be made and regard cannot be had for the Council's corporate objectives.

Position:	Name/Signature:	Date:
Author:	E. Williams	16/1/2012
Development Control Manager Agreed:	G Jones	20/01/2012



Name: Charis Holder
 Date: 25th January 2012
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
18 Lynmouth Avenue

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