
Delegated report Officer: Sadaf Malik

Application ref. DMPN/2021/1653

Certificate of Lawfulness for proposed loft conversion at 30 Longlands, Repton, Derby, DE65 6GB

Valid date: 20/10/2021

Consults expired: 23/11/2021

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/2014/1158 - Land At SK3126 1562 Longlands Repton Derbyshire - Approval of layout, scale, appearance and landscaping (reserved matters) of application 9/2013/0643 for the erection of 40 dwellings and associated public open space and infrastructure on 05.03.2015. Permitted development rights for loft conversions have not been removed.

Responses to consultations and publicity

None received

Relevant policy, guidance and/or legislation

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The relevant legislation is:

- Section 192 of the Town and Country Planning Act 1990
- Town and Country Planning (General Permitted Development (England) Order 2015, Schedule 2, Part 1, Class C
- National Guidance
- Planning Practice Guidance (PPG)
- Permitted development rights for householders Technical Guidance (September 2019)

Planning considerations

This application falls to be considered under Section 192 of the 1990 Act in that the development is claimed to be lawful by way of it not requiring express planning permission from the Local Planning Authority (LPA). The LPA needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage. Whilst the onus is on the applicant to provide sufficiently precise and unambiguous evidence to justify the grant of a certificate, on the balance of probability, the Planning Practice Guidance (PPG) also states that if a LPA has no evidence itself, nor any from others, to contradict the applicant's case or make it less than probable, there is no good reason to refuse the application.

Planning assessment

This is a detached dwellinghouse with its permitted development rights intact. The submitted drawings show compliance with the legislation. The internal works are excluded from the definition of development by the primary legislation. Externally, development consists of the insertion of eight rooflights. The proposed roof lights would not protrude more than 0.15m beyond the plane of the original roof slope so are permitted by Part 1 Class C of the GPDO. The proposal is deemed to comply with the relevant criteria and is considered to be lawful.

Recommendation

Approve

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	22/12/2021
Report agreed:	23/12/2021
Authorised officer:	Emma Palmer-Barnes
