

## **DELEGATED APPLICATION REPORT**

**Application No:** 230348

**Address:** 7 Cockney Hill, Tilehurst, Reading RG30 4HF

**Applicant:** Mr Dhanajay Tripathi

**Proposal:** Proposed single storey outbuilding at rear garden.

**Target date:** 12 May 2023 (ext.)

**Case officer:** Marcelina Rejwerska

### **1. Site Description and Surrounding Area:**

The application site is a detached bungalow on the north side of Cockney Hill in Tilehurst. The property is set back from the road and has an existing lean-to at the rear. The rear garden is in similar size to other properties on this road. The surrounding area is residential; Cockney Hill is comprised of detached properties in varying character. The property is not listed nor in a conservation area.

### **2. Proposal:**

The proposal is for an outbuilding in the rear garden to measure 8m x 4.5m with a gross internal floor space just over 27m<sup>2</sup>. The proposed outbuilding will have a flat roof with a total height of 2.5m. The outbuilding will be finished in matching brickwork at the north and east elevations and finished in render on the south and west elevations. New windows are proposed on north and west elevations and bifold doors are proposed on the south elevation (facing the rear of the host dwelling). The proposed use is noted on the proposed plans as a home office/gym.

#### **2.1. Plans Considered:**

SQS250-PP-101 Proposed plans and elevations, dated 14 March 2023, received 21 March 2023

SQS250-PP-100 Location and block plan, dated 14 March 2023, received 21 March 2023

Statement of evidence to verify application, received 21 March 2023

### **3. Relevant Planning History:**

080636 - Rear and side ground floor extensions, roof light windows to facilitate loft conversion, and new brick wall and gates exceeding 1.0 metre in height at front of the site – Application permitted on 17/4/2008

210336 - Proposed first floor extension to existing bungalow, following demolition of existing loft. – Application permitted on 28/4/2021; not implemented

220468 - Single-storey rear and side extensions with flat roof and rooflight. – Application permitted on 5/10/2022; commenced not yet completed

### **4. Consultation Responses:**

No consultations were undertaken as it is not required for an application of this type.

### **5. Discussions with applicant/agent**

The agent has confirmed that previously approved application 220468 has commenced construction and application 210336 has not been implemented.

## **6. Equality Act 2010:**

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

## **7. Relevant Planning Policy and Guidance**

Section 10 of the Planning and Compensation Act 1991 established a procedure that enables anyone who wishes to do so, to apply to the local planning authority to determine whether a proposed use or operation, or an existing operational development or an existing use of land, or any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted, is lawful, and if so, be granted a certificate to that effect.

A Lawful Development Certificate is a legal document stating the lawfulness of past, present or future development. If granted by the local planning authority, the certificate means that enforcement action cannot be carried out to the development referred to in the certificate. However, the certificate will not protect from enforcement action by the planning authority if the specified use or development is then changed 'materially' without a planning application for it.

The certificate is not a planning permission. The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The responsibility is on the applicant to provide evidence to support the application.

The NPPG states that "In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved. In determining an application for a prospective development under **section 192 of the Town & Country Planning Act** a local planning authority needs to ask "if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes."

## **8. Appraisal**

A Certificate of Lawfulness for a Proposed Development has been submitted as the applicant considers the proposal falls within the permitted development rights of the property.

The proposal must be assessed to ensure that it complies with the conditions Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which relates to '(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure'.

Development is not permitted by Class E if:

- E.1 (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (change of use) **COMPLIES**
- E.1 (b) The total area of the ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); **COMPLIES**
- E.1 (c) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse **COMPLIES**
- E.1 (d) The building would have more than a single storey **COMPLIES**
- E.1 (e) The height of the building, enclosure or container would exceed - (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or (iii) 3 metres in any other case; **COMPLIES**
- E.1 (f) The height of the eaves of the building would exceed 2.5 metres **COMPLIES**
- E.1 (g) The building, enclosure, pool or container would be situated within the curtilage of a listed building **COMPLIES**
- E.1 (h) It would include the construction or provision of a verandah, balcony or raised platform **COMPLIES**
- E.1 (i) It relates to a dwelling or microwave antenna **COMPLIES**
- E.1 (j) The capacity of the container would exceed 3,500 litres **NOT APPLICABLE**
- E.1 (k) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); **COMPLIES**

#### Interpretation of Class E:

- E.4 For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.
  - **The purpose stated on the proposed plans lists the building use as a gym and office, therefore satisfying the above definition.**

## 9. Conclusion

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and it has been confirmed that the proposal would be lawful, on the basis of the following submitted drawings:

SQS250-PP-101 Proposed plans and elevations, dated 14 March 2023, received 21 March 2023

SQS250-PP-100 Location and block plan, dated 14 March 2023, received 21 March 2023

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed outbuilding. Therefore, the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed development.

**RECOMMENDATION:**

GRANT Certificate

**Informatives**

Positive and Proactive

Terms

Building Control

Construction complaints

Encroachment