

DELEGATED APPLICATION REPORT

App Ref: 201069/CLP

Address: 235 Basingstoke Road

Proposal: Single storey side extension to existing dwelling

Case Officer: Connie Davis

Target Decision date: 22/09/20

1. INTRODUCTION

The application site comprises a two-storey semi-detached dwelling located on the east side of Basingstoke Road. The dwelling benefits from a two-storey rear gable with single storey projection. The surrounding area is predominantly residential, comprising dwellings of a similar style and design.

The LPA has no clear evidence that permitted development rights have been removed from the property.

2. PROPOSAL AND SUPPORTING INFORMATION

The proposal is for a single storey side extension. It would have a flat roof with a maximum height of 3m, depth of 8.8m along the side elevation and have a width of 2.6m (the original house has a width of 7.3m). The proposed development would be within 2m of the boundary of the site.

Materials are proposed to be of similar appearance to the main dwelling.

Plans Submitted:

The agent supplied the following drawings:

Location Plan

PBC/2421/1 - Plans and Elevations as Existing

PBC/2421/3C - Block Plan

PBC/2421/2B - Proposed Single Storey Side Extension

Received 28th July 2020

Email from the agent confirming proposed materials

Received 15th September 2020

3. RELEVANT PLANNING HISTORY

190487/HOU - Two storey side extension and single storey rear extension - Application Refused

181735/HOU - Part two & part single storey side and rear extensions - Application Refused

4. CONSULTATIONS

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

5. RELEVANT PLANNING POLICY & 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."

Assessment:

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 A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which relates to 'The enlargement, improvement or other alteration of a dwellinghouse'.

A.1 Development is not permitted by Class A if:

A.1 (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use); **COMPLIES**

A.1 (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); **COMPLIES**

A.1 (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse; **COMPLIES**

A.1 (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse; **COMPLIES**

A.1 (e) the enlarged part of the dwellinghouse would extend beyond a wall which (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse; **COMPLIES**

A.1 (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, (ii) exceed 4 metres in height; **COMPLIES**

A.1 (g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height **COMPLIES**

A.1 (h) the enlarged part of the dwellinghouse would have more than a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse; **COMPLIES**

A.1 (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres; **COMPLIES**

A.1 (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would - (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse; **COMPLIES**

A.1 (k) it would consist of or include - (i) the construction or provision of a verandah, balcony or raised platform (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse **COMPLIES**

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if:

A.2 (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles; **NOT APPLICABLE IN THIS INSTANCE**

A.2 (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; **NOT APPLICABLE IN THIS INSTANCE** or

A.2 (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse. **NOT APPLICABLE IN THIS INSTANCE**

Conditions

Development is permitted by Class A subject to the following conditions:

A.3 (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the dwellinghouse; **COMPLIES**

A.3 (b) any upper-floor window located in 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; **COMPLIES**

A.3 (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse. **NOT APPLICABLE IN THIS INSTANCE**

Equality Act

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. It is considered that there is no indication or evidence (including from consultation on the current applications) that the protected groups have or will have different needs, experiences, issues and priorities in relation to this particular planning application.

Recommendation

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed single storey side extension.

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

Location Plan

PBC/2421/1 - Plans and Elevations as Existing

PBC/2421/3C - Block Plan

PBC/2421/2B - Proposed Single Storey Side Extension

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Therefore the Local Planning Authority will, on this occasion, issue the applicant with a Certificate of Lawfulness for the proposed development.

RECCOMENDATION: GRANT CERTIFICATE

Informatives

Building Regulations

Encroachment and Party Wall

Construction and Demolition

Positive and Proactive working

1:1250 Location Plan - Not to scale

