

DELEGATED HOUSEHOLDER APPLICATION REPORT

Application No: 211561

Address: 286 Basingstoke Road, Reading RG2 0HN

Applicant: Mrs Benita Rodrigues

Proposal: Certificate of lawful development for the erection of single storey rear extension & erection of a single storey outbuilding

Target date: 24/11/2021

Case officer: Marcelina Rejwerska

1. Site Description and Surrounding Area:

The application site is a two storey terraced dwelling on Basingstoke Road. A double storey element projects at the rear of the property, forming a 'L' shape. The property benefits from a narrow rear garden. The property is not listed nor in a conservation area. The surrounding area is predominately residential.

2. Proposal:

The proposal is for a single storey extension at the rear of the property, to measure 3m in depth, and a single storey flat roof outbuilding in the rear garden, to measure 8m by 3.02m. The proposed purpose for the outbuilding is a gym and office with a shower room.

2.1. Plans Considered:

PL/A568/05 Location and Block Plan

PL/A568/02 Existing Elevations

PL/A568/03 Proposed Elevations

PL/A568/04 Proposed Outbuilding Plan and Elevations SUPERSEDED

PL/A568/01 Existing and Proposed Ground Floor Plan

PL/A568/04A Proposed Outbuilding Plan and Elevations - Amended

Received 16 September 2021.

3. Relevant Planning History:

None.

4. Consultation Responses:

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

5. Discussions with applicant/agent

Agent clarified wording from the submitted plans that materials will match the existing - 30/9/2021.

Initial proposed plans showed the outbuilding to be excessive in height in accordance with Class E.1 (e). Officer discussed amending height of outbuilding to 2.5m to

comply with Class E.1 (e) with agent on 6/10/2021. Agent supplied amended plans on 6/10/2021.

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

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 G, M, MA, N, P, PA 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; Current total area of the rear garden is approx. 81m², the proposed rear extension and outbuilding would reduce the size of the garden to approx. 49m² which is more than 50% of the current size, and is therefore acceptable.**
- 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) 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, or (ii) exceed 4 metres in height; **COMPLIES; the proposed rear extension would extend 3m away from the main dwelling, with a height of 2.5m.**
- 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 be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that 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 (ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j) **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.1 (l) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); **COMPLIES**

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) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; **COMPLIES, the agent has confirmed via email that materials will match the existing.**
- A.3 (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall 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 **NOT APPLICABLE**
- 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**

The proposal has also been 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, as discussed.**
- 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 A and 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:

PL/A568/05 Location and Block Plan

PL/A568/02 Existing Elevations

PL/A568/03 Proposed Elevations

PL/A568/04 Proposed Outbuilding Plan and Elevations **SUPERSEDED**

PL/A568/01 Existing and Proposed Ground Floor Plan

PL/A568/04A Proposed Outbuilding Plan and Elevations - Amended

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

PD5

Positive and Proactive
Terms

Building Control

Construction complaints

Encroachment