

Delegated Application Report

Target Date: 31/01/21

Address: 24 Brayford Road

Application No: 201737/CLP

Proposal: Certificate of Lawfulness for proposed loft conversion with rear dormer and single storey rear outbuilding

Case Officer: Sian Hickey

Introduction and Proposal

The application site is a two storey semi-detached dwelling with a pitched roof. The surrounding area is predominantly residential. The property is not a Listed Building and it doesn't fall within a Conservation Area.

The proposal is for a loft conversion with a rear dormer addition and one side window. The dormer would extend across the rearward roof slope at a width of 5.625m, projecting to a depth of 3.730m, with a height of 2.612m. The dormer would not exceed the height of the existing ridgeline and would be set back from the existing eaves by approximately 0.2m. Two windows would be located in the rear elevation.

The proposal is also for the erection of an outbuilding at the end of the rear garden. The outbuilding would have a flat roof with a maximum height of 2.5m. The use of the outbuilding is claimed to be as a playroom, gym, and store.

Plans Submitted

The agent supplied the following, received on 6th December 2020:

Drawing No: 1999/PL/01 - Existing Floor Plans

Drawing No: 1999/PL/02 - Existing Roof Plans

Drawing No: 1999/PL/03 - Existing Elevations

Drawing No: 1999/PL/04 - Proposed Floor Plans

Drawing No: 1999/PL/05 - Proposed Floor Plans

Drawing No: 1999/PL/06 - Proposed Elevations

Drawing No: 1999/PL/07 - Outbuilding Floor Plans and Elevations

Drawing No: 1999/PL/08 - Location and Block Plans

Relevant Planning History

131217 - Two storey side extension and single storey rear extension - Withdrawn

181993 - Rear extension measuring 6m in depth, with a maximum height of 4m, and 3m in height to eaves level. Notification of the construction of an extension under class A Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. - Prior Approval Not Required

Summary of Consultations

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

Relevant Planning Policy and Guidance

National Planning Practice Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

Permitted development rights for householders - Technical Guidance September 2019

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 proposed loft conversion with rear dormer, and the rear outbuilding must be assessed to ensure that it complies with the conditions of Class B and Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which relate to 'additions etc. to the roof of a dwellinghouse' and 'buildings etc incidental to the enjoyment of a dwellinghouse'.

The relevant conditions of the GPDO for a proposed loft conversion with rear dormer, and rear outbuilding, which is not listed or in a Conservation Area, are as follows:

Dormer

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

B.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**

B.1 (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof; **complies**

B.1 (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway; **complies**

B.1 (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than (i) 40 cubic metres in the case of a terrace house, **n/a** or (ii) 50 cubic metres in any other case; **complies**

B.1 (e) it would consist of or include (i) the construction or provision of a veranda, balcony or raised platform, **complies** or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; **complies** or

B.1 (f) the dwellinghouse is on article 2(3) land. **complies**

Conditions

B.2 Development is permitted by Class B subject to the following conditions:

B.2 (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; **complies**

B.2 (b) the enlargement must be constructed so that (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension (aa) the eaves of the original roof are maintained or reinstated; **complies** and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; **complies** and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; **complies** and

B.2 (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be (i) obscure-glazed, **complies** 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**

Interpretation of Class B

B.3 For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4 For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards, and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

Outbuilding

E.1 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 M, N, P or Q of Part 3 of this Schedule (changes of use); **complies**

E.1 (b) the total area of 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, **complies** (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, **complies** 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 a microwave antenna; **complies** or

E.1 (j) the capacity of the container would exceed 3,500 litres. **complies**

E.2 In the case of any land within the curtilage of the dwellinghouse which is within:

(a) an area of outstanding natural beauty;

(b) the Broads;

(c) a National Park; or

(d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwelling house would exceed 10 square metres. **complies**

E.3 In the case of any land within the curtilage of the dwelling house which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwelling house and the boundary of the curtilage of the dwelling house. **complies**

Incidental Use

The main dwelling house has an original footprint of 47.43sqm with a permitted 6m deep rear extension providing a further 36.15sqm of living space (Granted under 181993 Class A Part 1 of Schedule 2 of the GDPO). This gives a total extended footprint of 83.58sqm.

The proposed outbuilding would have a maximum depth of 8m and a maximum width of 13.106m providing a floor area of 87.37sqm. The floorplans describe the proposed outbuilding provide for a 'gym room', 'playroom' and 'store'.

In considering Class E proposals the critical test to be applied is firstly (i) whether the uses of the proposed outbuilding, in the context of the whole planning unit, is intended to be and would remain incidental or subordinate to the main use of the property as a dwelling house, and secondly (ii) whether the proposed outbuilding is reasonably required in order to accommodate those uses. In this context, the physical size of the building is a relevant factor to be taken into account, but is not determinative.

A home gym is capable and recognised as being a use incidental to the residential use of a main dwelling house. Firstly, the plans show the proposed layout of the outbuilding to provide for a significant 'gym room' (39sqm). No explanation accompanies the submission to explain what equipment such a substantial space (almost equal to the footprint of the original dwelling itself) is intended to accommodate or how it will be used. Furthermore, no evidence has been provided to clarify whether any part of the existing dwelling or garage already accommodates fitness apparatus for the applicant or is used for such purposes at the present time, or how such a substantial space is intended to be used in connection with the main house.

This gym room would be in addition to a substantial separate playroom measuring approximately 16.5sqm. Such a space would ordinarily be required for entertaining children and for the storage of toys. This room, as proposed, would have a function and purpose not unlike the large open plan reception room or living room shown in the main dwelling house.

The use of a playroom is considered to be fully consistent with the residential use of the main dwelling house, and as such, the Council considers this use constitutes additional primary living accommodation that would supplement the accommodation provided in the main house. No details have been provided to explain why such facilities are required separate of and in addition to the main dwelling house.

Finally, the proposed outbuilding also contains a store room to the rear measuring 17.3sqm. A store room within an outbuilding would ordinarily be regarded as an incidental use, and reasonably be used for storage of items that would be difficult or undesirable to store in the main dwelling e.g. garden furniture, outdoor equipment and tools etc.

This substantial store room is accessible only internally via the playroom and the gym room and therefore would be less practical for separate external domestic storage and more likely to be used for purposes in connection with the gym room and playroom. This may include the storage of items connected with the gym room and play room, and by virtue of the internal layout, would not preclude those uses taking place within this space.

The Council are therefore not satisfied that the use of this part of the outbuilding is incidental and reasonably required to achieve the purpose of accommodating incidental activities to the main house, rather is likely to be used in connection with the gym room and/or playroom.

The proposed outbuilding would have a total floor area of 87.37sqm. This is in excess of the total footprint of the dwelling as extended, and substantially larger than the original dwelling's footprint of 47.43sqm. The size and layout of the proposed outbuilding is therefore considered unreasonable, and as such casts doubt on whether the outbuilding is intended to be or would remain incidental to the main use of the dwelling house. Whilst size is not the primary determinate, the internal area given to each use within the outbuilding is overly generous and far in excess of what might be considered reasonably required to accommodate the facilities proposed.

In summary, no information has been provided to adequately satisfy the Council that the use of the outbuilding would remain incidental to the main use of the dwelling house. The proposed outbuilding is excessively large for the proposed uses. There is no evidence to demonstrate that the nature and scale of the proposed uses cannot be accommodated within the main extended dwelling or existing outbuilding, and it is considered a matter of fact and degree that the outbuilding is not reasonably required in order to accommodate the proposed uses. It is considered that the size of the gym, playroom and store are unreasonable for their intended purpose and as a whole, the proposed building lacks any sense of reasonableness in relation to the enjoyment of the dwelling house itself, and what may be reasonably regarded as being incidental.

On balance and on the evidence available, the scale and uses within the proposed outbuilding are not considered to be incidental to the main use of the dwelling house.

Recommendation:

Having regard to the above, the Council do not consider the proposal would benefit from the permitted development rights conveyed by Class E of the GPDO. The Council therefore refuse to grant the certificate of lawful.

Informatives:

1. The Local Planning Authority, when making its decision, took into account the following drawings:

Drawing No: 1999/PL/01 - Existing Floor Plans

Drawing No: 1999/PL/02 - Existing Roof Plans

Drawing No: 1999/PL/03 - Existing Elevations

Drawing No: 1999/PL/04 - Proposed Floor Plans

Drawing No: 1999/PL/05 - Proposed Floor Plans

Drawing No: 1999/PL/06 - Proposed Elevations

Drawing No: 1999/PL/07 - Outbuilding Floor Plans and Elevations

Drawing No: 1999/PL/08 - Location and Block Plans

Received 6th December 2020



The Attached Plan