

Delegated Application Report

Target Date: 24/08/20

Address: 10 Pegs Green Close

Application No: 200910/CLP

Proposal: Certificate of Lawfulness for proposed part single and part double storey rear extension, single storey side extension, single storey front porch, hip-to-gable roof extension, rear dormer, roof lights, and new hardstanding to front with dropped kerb.

Case Officer: Sian Hickey

Introduction and Proposal

The application site is a two storey semi-detached dwelling on the northern side of Pegs Green Close. The property is not Listed and it does not fall within a Conservation Area.

The proposal is for:

- a part two storey and part single storey rear extension,
- a single storey side extension,
- a loft conversion with the provision of two roof lights to the forward roof slope,
- a hip-to-gable roof extension with a side facing window, and
- a flat roof rear box dormer.
- a front porch, and
- the laying of hardstanding to facilitate the provision of an additional parking space. The existing front boundary wall would be removed, and a dropped kerb proposed. Pegs Green Close is not a classified road and therefore planning permission is not required to drop the kerb.

The materials to be used in the construction of the external surfaces of the development will be of a similar appearance to those of the existing house.

Plans Submitted

The agent supplied the following, received on 29th June 2020:

Drawing No: P2010-01 - Location Plan and Block Plan

Drawing No: P2010-02 - Existing Floor Plans

Drawing No: P2010-03 - Existing Elevations

The agent provided the following, received on 5th August 2020:

Drawing No: P2010-04 A - Proposed Floor Plans - annotated to show conditions met

Drawing No: P2010-05 A - Proposed Elevations - annotated to show conditions met

Relevant Planning History

190357 - Two storey side/rear extension and single storey front and rear extensions, loft conversion with new dormer window and 2 Velux windows - Refused (Householder appeal ref APP/E0345/D/19/3236058 - Dismissed)

191757 - Two storey side/rear extensions and single storey front entrance porch, loft conversion with new dormer window and two Velux windows - Refused

Summary of Consultations

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

However, several representations on this application for a certificate have been received.

The local Ward Cllr and the local MP have relayed concerns from neighbouring residents about the proposal.

Seven letters of objection have been received raising, in summary, issues of: design; overbearing; use as an HMO in the future; loss of light; loss of privacy; loss of on-street parking and highway safety; PD plans should be over-ridden where they are contrary to planning guidelines; and does not agree with the PD criteria/conditions. None of the above points can be taken into consideration in determining a certificate for a development which may be PD.

However, informatives can be applied and will include advice to the developer to ensure the development does not encroach beyond the boundary including the opening of side facing windows, where to seek advice on providing the access and limiting damage to the highway by construction vehicles, managing the construction process and a reminder of the need for planning permission for a use as a large house in multiple occupation.

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 part single and part double storey rear extension, single storey side extension, single storey front porch, hip-to-gable roof extension, rear dormer, roof

lights, and new hardstanding must be assessed to ensure that it complies with any relevant exception, limitation or condition as set out for Class A, Class B, Class C, Class D, and Class F, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which relate to the 'enlargement, improvement or other alteration of a dwellinghouse', 'additions etc to the roof of a dwellinghouse', 'other alterations to the roof of a dwellinghouse', 'the erection or construction of a porch outside any external door of a dwellinghouse', and 'hard surfaces incidental to the enjoyment of a dwellinghouse'.

The relevant exceptions, limitations and conditions of the GPDO for a part single and part double storey rear extension, single storey side extension, single storey front porch extension, hip-to-gable roof extension, rear dormer, roof lights, porch and new hardstanding, which is not listed or in a conservation area, are as follows:

Rear and side extensions

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); **This exception is met.**

Officer comment: In other words if the dwelling is the result of a prior approval application to change a use to residential permitted development rights to extend do not apply. The property was built as a dwelling house.

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); **If built as shown on the submitted plans this limitation will be met.**

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; **If built as shown on the submitted plans this limitation will be met.**

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; **If built as shown on the submitted plans this limitation will be met.**

A.1 (e) the enlarged part of the dwellinghouse would extend beyond a wall which (i) forms the principle elevation of the original dwellinghouse; **If built as shown on the submitted plans this limitation will be met.** or (ii) fronts a highway and forms a side elevation of the original dwellinghouse; **If built as shown on the submitted plans this limitation will be met.**

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, **If built**

as shown on the submitted plans this limitation will be met. or (ii) exceed 4 metres in height; If built as shown on the submitted plans this limitation will be met.

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, **If built as shown on the submitted plans this limitation will be met or (ii) exceed 4 metres in height; If built as shown on the submitted plans this limitation will be met.**

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, **If built as shown on the submitted plans this limitation will be met or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse; If built as shown on the submitted plans this limitation will be met.**

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; **If built as shown on the submitted plans this limitation will be met.**

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, **If built as shown on the submitted plans this limitation will be met,** (ii) have more than a single storey, **If built as shown on the submitted plans this limitation will be met or (iii) have a width greater than half the width of the original dwellinghouse; If built as shown on the submitted plans this limitation will be met.**

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); **This limitation would be met.**

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. **None of these additions are proposed on the submitted drawings.**

A.2 relates to where a dwellinghouse is on article 2(3) land (Article 2(3) land includes Conservation Areas, AONB, the Broads; National Parks; and a World Heritage Site) development so **is not applicable here.**

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; **if built as shown on the submitted plans, which note this condition, this will be met.**

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, **if built as shown on the submitted plans, which note this condition, this will be met** 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; **if built as shown on the submitted plans, which note this condition, this will be met.** An informative will be added to not that the side facing window on the single storey rear extension should not open out beyond the boundary of the site.

and

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. **If built as shown on the submitted plans, this will be met.**

Hip-to-gable roof extension and rear 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); **This exception is met.**

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; **if built as shown on the submitted plans this limitation will be met.**

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; **if built as shown on the submitted plans this limitation will be met.**

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; **if built as shown on the submitted plans this limitation will be met.**

B.1 (e) it would consist of or include (i) the construction or provision of a veranda, balcony or raised platform, or (ii) the installation, alteration or

replacement of a chimney, flue or soil and vent pipe; **None of these additions are proposed on the submitted drawings.**

or

B.1 (f) the dwellinghouse is on article 2(3) land. **Is not applicable.**

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; **if built as shown on the submitted plans, which note this condition, this will be met.**

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; **if built as shown on the submitted plans this condition, this will be met** 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; **if built as shown on the submitted plans this will be met.** 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; **if built as shown on the submitted plans this will be met** 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, **if built as shown on the submitted plans, which note this condition, this will be met** 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. **if built as shown on the submitted plans, which note this condition, this will be met.**

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.

Roof lights

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

C.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); **This exception is met.**

C.1 (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof; **if built as shown on the submitted plans, this will be met.**

C.1 (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; **if built as shown on the submitted plans this limitation will be met or**

C.1 (d) it would consist of or include (i) the installation, alteration, or replacement of a chimney, flue or soil and vent pipe, or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment. **None of these additions are proposed on the submitted drawings.**

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be:

C.2 (a) obscure-glazed; **if built as shown on the submitted plans this condition will be met and**

C.2 (b) 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. **if built as shown on the submitted plans this condition will be met.**

Porch

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

D.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); **This exception is met.**

D.1 (b) the ground area (measured externally) of the structure would exceed 3 square metres; **if built as shown on the submitted plans this limitation will be met.**

D.1 (c) any part of the structure would be more than 3 metres above ground level; **if built as shown on the submitted plans this limitation will be met.**

D.1 (d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway. **if built as shown on the submitted plans this limitation will be met.**

Hardstanding

F.1 This provides permitted development rights within the curtilage of a house for;

F.1 (a) the provision of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such, **This limitation is an on-going requirement, or**

F.1 (b) the replacement in whole or in part of such surface. **if built as shown on the submitted plans this limitation will be met.**

Conditions

F.2 Development is permitted by Class F subject to the condition that where -

F.2 (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouses and a highway, and;

F.2 (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. **If built as shown on the submitted plans, which specify porous surfacing to be used, this condition will be met.**

Recommendation

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Classes A, B, C, D and F, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. It can be confirmed that the proposed operation would be lawful for planning purposes on the basis of the drawings:

Drawing No: P2010-01 - Location Plan and Block Plan (received 29/06/2020)

Drawing No: P2010-02 - Existing Floor Plans (received 29/06/2020)

Drawing No: P2010-03 - Existing Elevations (received 29/06/2020)

Drawing No: P2010-04 A - Proposed Floor Plans (received 05/08/2020)

Drawing No: P2010-05 A - Proposed Elevations (received 05/08/2020)

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed part single and part double storey rear extension, single storey side extension, single storey front porch extension, hip-to-gable roof extension, rear dormer, roof lights, and new hardstanding to front with dropped kerb. Therefore the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed development.

Informatives

Building Regulations

Encroachment and Party Wall Act

Construction and Demolition EPA

Bats

No opening windows/obs glazing

No HMO use

