

Our Ref: TFN/emn/KER

Yr Ref:

Date: 15 April 2020



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Dear Sirs

I enclose for your attention completed forms, requisite fee, along with one original and three copies of the drawings and documents set out below as they relate to a Certificate of Proposed Lawful Use or Development application (hereinafter referred to as a CLOPUD) concerning the erection of a single storey pitched roof rear extension on land at 62 Kidmore End Road, Emmer Green, Reading, RG4 8SE.

The following drawings and documents form part of this CLOPUD application:-

- A. Four copies of this covering letter of support
- B. Four copies of Drawing Scale 1:50 @ A2 showing side and rear elevations, sections and a ground floor layout of the proposed single storey kitchen extension prepared by Tim North & Associates Ltd.
- C. Four copies of a Block Plan Scale 1:500 showing the application site in red with the proposed single storey pitched roof rear extension prepared by Tim North & Associates Ltd.
- D. A Location Plan Scale 1:2500 outlining the application site in red prepared by Tim North & Associates Ltd.

I should be obliged if the contents of this covering letter of support along with enclosed documents could be taken into consideration prior to a determination of this application.

I. The Nature of the Proposed Development

This CLOPUD application is concerned with the construction of a single storey pitched roof rear extension to an existing kitchen to provide a breakfast area. The proposed single storey pitched roof rear extension is to have a depth of 2.55m and an overall width of 2.9m, being attached to an existing outrigger typical to the layout of Victorian properties. The elevations of the proposed development are to be clad in red/reddish brown brickwork beneath a plain clay tiled roof to match the existing materials of the dwelling, with white painted timber framed openings.



There are no Article 4 Directions in force concerning the application site, neither have there been any previous applications for extensions at 62 Kidmore End Road which have resulted in the removal of permitted development rights under Schedule 2 Part 1 Class A of the existing or indeed earlier Town & Country Planning (General Permitted Development) Orders.

It is accepted that there is a requirement for a Party Wall Agreement with the adjoining owner of No. 60 Kidmore End Road under the Party Wall etc Act 1996, which is to be expected given the definition of “*terrace house*” on page 6 of the September 2019 Technical Guidance “*Permitted Development Rights for Householders*”.

I have enclosed below a photograph showing the rear elevation of the existing property.



II. Does the Proposal Constitute Permitted Development?

A key consideration in this CLOPUD application is whether the proposed single storey pitched roof rear extension on land at 62 Kidmore End Road constitutes “*permitted development*” in accordance with the provisions of Schedule 2 Part 1 Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (As Amended), where they relate to the enlargement, improvement or other alteration of a dwellinghouse.

In this regard I have set out below the consolidated version of Schedule 2 Part 1 Class A.1 of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended by i) the Town & Country Planning (General Permitted Development) (England) (Amendment) Order 2016 which came into force on 6th April 2016; ii) the Town & Country Planning (General Permitted Development) (England) Amendment Order



2017 which came into force on 6th April 2017; and iii) the Town & Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 which came into effect on 25 May last year.

“A1. Development is not permitted by Class A if:-

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q or Part 3 of this Schedule (changes of use);*
- (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);*
- (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;*
- (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;*
- (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;*
- (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, or*
 - (ii) exceed 4 metres in height;*
- (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;*
- (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;*
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse.*
- (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;*
- (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; or*
- (ja) *any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceed or would exceed the limits set out in sub-paragraphs (e) to (j);*
- (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.*

No. 62 Kidmore End Road has always been used as a dwellinghouse dating back to the 1890s and to this extent what is now proposed is unaffected by the provisions of Class A.1(a)

The proposed development would not result in the total area of ground covered by buildings within the curtilage of the dwellinghouse exceeding 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse), and hence there is no conflict with Class A.1(b).

The highest part of the dwellinghouse as enlarged would not exceed the height of the highest part of the roof of the existing dwellinghouse, nor would it exceed the height of the eaves of part of the existing dwellinghouse enlarged, and so would not conflict with Class A.1 (c) and (d).

The enlarged part of the dwellinghouse would not extend beyond a wall which forms a principal elevation of the original dwellinghouse; nor would it front a highway and form a side elevation of the original dwellinghouse, and to this end there is no conflict with Class A.1(e)(i) and (ii).

The proposed single storey pitched roof rear extension would not extend beyond the rear wall of the original dwellinghouse by more than 3 metres, and neither would it exceed 4 metres in height. On the contrary, what is proposed is consistent with the Technical Guidance “Permitted Development Rights for Householders” published in September 2019. In this regard I would draw your officer’s attention to page 19 of the Technical Guidance, in which it is stated:

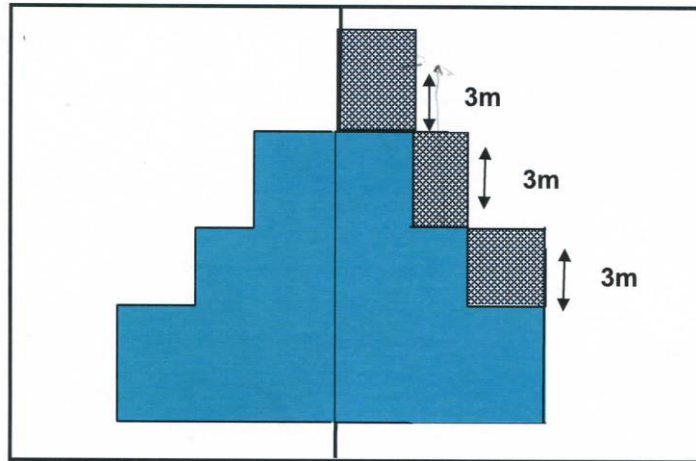
“Where the original rear wall of a house is stepped, then each of these walls will form ‘the rear wall of the original dwellinghouse’. In such cases, the limits on extensions apply to any of the rear walls being extended beyond.” (my emphasis)

A diagram is shown in the same Technical Guidance of a semi detached property indicating a stepped rear wall indicating extensions which would be acceptable. This diagram is reproduced overleaf.

In the present case, 62 Kidmore End Road has not been the subject of any previous extensions, and the stepped wall is the original rear wall of the dwellinghouse. The



proposed single storey pitched roof rear extension to the existing kitchen is to extend 2.55m in depth from the existing outrigger comprising a rear wall of the original dwellinghouse, so as to be consistent with the depth of the existing single storey flat roofed rear extension of the immediately adjoining property, No. 60 Kidmore End Road, comprising part of the same terrace of properties. For these reasons it is contended there is no infringement of Class A.1(f).



The provisions of Class A.1(g) are not relevant to the proposed development. This is because the single storey rear extension does not exceed the limits set out in Class A.1(f) and to this end there is no requirement in accordance with Schedule 2 Part 1 Class A.4 of the 2015 Order for information to be submitted to your Authority before notification by your Council as to whether prior approval is required.

Similarly, Class A.1(h) is irrelevant as the proposed development does not have more than a single storey.

The provisions of Class A.1(i) are not infringed in that whilst it is accepted the enlarged part of the dwellinghouse would lie within 2 metres of the boundary of the curtilage of the dwellinghouse, the height of the eaves of the enlarged part i.e. the single storey pitched roof rear extension, would not exceed 3 metres. The provisions of Class A.1(i) require the enlarged part of the dwellinghouse to lie within 2 metres of the boundary, and the height of the eaves of the enlarged part to exceed 3 metres, i.e. there are two aspects to this provision for there to be infringement.

Class A.1(j) is concerned with the enlarged part of the dwellinghouse extending beyond a wall forming a side elevation of the original dwellinghouse, which is not relevant in the context of the current application; whilst Class A.1(ja) is similarly of no consequence given the lack of any existing enlargement of the original dwellinghouse to which the proposed single storey rear extension is to be joined.

Class A.1(k) is not relevant to the proposed development.

It is for the reasons set out in this letter of support that it is contended that what is now sought as part of this CLOPUD application constitutes permitted development in accordance with Schedule 2 Part 1 Class A of the Town & Country Planning (General



Permitted Development) (England) Order 2015 (As Amended). It follows that planning permission is not required to construct the single storey pitched roof rear extension proposed in accordance with the enclosed particulars.

Should you require any further information or wish to discuss this CLOPUD application, please do not hesitate to contact me.

Yours faithfully

T.F. North

T.F. North

Enc.