

Delegated Application Report

Target Date: 28th January 2020
Address: 242 Gosbrook Road, RG4 8EA
Application No: 191796
Case Officer: Mr James Schofield
Proposal: Application for a Lawful Development Certificate for a swimming pool with enclosure for the purpose incidental to the enjoyment of the house.

Introduction and Proposal

Plans Submitted

The applicant supplied the following;

Pool Enclosure: End View
Pool Enclosure: Roof Plan View
Pool Enclosure: Side View
Block/Site Plan License No: 100047474
Red/Blue Line Plan License No: 100047474
As received 19 November 2019

Relevant Planning History

No relevant planning history.

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 April 2017

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 must be assessed to ensure that it complies with the conditions of Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which relates to the 'enlargement, improvement or other alteration of a dwellinghouse'.

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The relevant conditions of the GPDO for a swimming pool and single storey outbuilding to house it, which is not listed or in a conservation area, are as follows:

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,	n/a
(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	complies
(iii) 3 metres in any other case;	n/a
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;	n/a
E.1 (i) it relates to a dwelling or a microwave antenna; or	n/a
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;	n/a
(b) the Broads;	n/a
(c) a National Park; or	n/a

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(d) a World Heritage Site,

n/a

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 dwellinghouse would exceed 10 square metres.

n/a

E.3 In the case of any land within the curtilage of the dwellinghouse 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 dwellinghouse and the boundary of the curtilage of the dwellinghouse.

n/a

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

Does Not Comply.

Recommendation

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) Class E, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The size and scale of the swimming pool in relation to the main dwelling house and the applicant’s indication that the pool will be used for business purposes, would mean the building does not constitute a use incidental to the enjoyment of the main dwelling. As such, the proposed operation would require planning permission on the basis of the information received.

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SCHEDULE 2: site location plan



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