

Address: 15 Balmore Drive

Application No: 182060/CLP

Proposal: Single storey side extension

Case Officer: Tom French

Introduction & Proposal

The application site contains a two storey end of terrace dwelling on the west side of Balmore Drive. The application building is not listed, nor is it located within a conservations area or on Article 2(3) land.

It is proposed to demolish the existing car port to the side of the property and erect a single storey side extension that would project 1.7m from the side elevation of the original house and have a depth of 3.3m. A hipped roof is proposed for the extension.

Plans Submitted:

The following drawings were submitted by the agent.

Drawing No.:

- 3360.01A - Block and Location Plans
- 3360.02 - Existing Ground Floor Plan
- 3360.03 - Existing Elevations
- 3360.04 - Existing Elevations
- 3360.05B - Proposed Ground Floor Plan
- 3360.06 - Proposed Elevations
- 3360.07B - Proposed Elevation and Section

As received: 23/11/2018

Relevant Planning History:

None

Summary of Consultations:

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

Relevant Planning Policy & Guidance:

Annex 8 "Lawfulness and the Lawful Development Certificate" of Planning Circular 10/97 'Enforcing Planning Control: Legislative Provisions and Procedural Requirements' sets out the procedure for assessing applications for certificates of lawfulness:

Para 8.26 states, "if the LPA are supplied with information satisfying them that the operations described in the application would be lawful, if instituted or begun at the time of the application, they shall issue a certificate to that effect; and, in any other case, they shall refuse the application." "The burden of proof in a LDC application is firmly on the applicant."

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 proposal must be assessed to ensure that it complies with the conditions of Class A of Part 1, of 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 dwelling house’

A.1 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 of Part 3 of this Schedule (changes of use); **COMPLIES**

(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**

(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**

(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**

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or **COMPLIES**

(ii) fronts a highway and forms a side elevation of the original dwellinghouse; **COMPLIES**

(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 **N/A**

(ii) exceed 4 metres in height; **COMPLIES**

(g) until 30th May 2019, 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 **N/A**

(ii) exceed 4 metres in height; **N/A**

(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 **N/A**

(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; **N/A**

(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**

(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, **COMPLIES** - The proposed extension would have a maximum height of 3.8m

(ii) have more than a single storey, or **COMPLIES**

(iii) have a width greater than half the width of the original dwellinghouse; or **COMPLIES - The half the width of the original dwellinghouse is 3.35m. The width of the proposed extension is 1.7m**

(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**

(k) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform, **COMPLIES**

(ii) the installation, alteration or replacement of a microwave antenna, **COMPLIES**

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or **COMPLIES**

(iv) an alteration to any part of the roof of the dwellinghouse **COMPLIES**

Section A.2 does not apply in this case as the dwellinghouse is not on article 2(3) land.

A.3 Development is permitted by Class A subject to the following conditions—

(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 existing dwellinghouse; **COMPLIES - the plans note that the proposed extension would be made from brick and that the roof would be finished with tiles. This is considered to match the existing dwellinghouse**

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i) obscure-glazed, and **N/A**

(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; and **N/A**

(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 **N/A**

Section A.4 does not apply in this case as the extension proposed does not exceed the limits in Paragraph A.1 (f)

Conclusion

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and it has been confirmed that the proposal would be lawful, on the basis of the following submitted drawings:

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As received: 23/11/2018

Therefore the Local Planning Authority will, on this occasion, issue the applicant with a Certificate of Lawfulness for the proposed development.

Recommendation:

GRANT Certificate

Informatives

1. The applicants attention is drawn to the requirement for submission of a Building Regulations application for the proposed development. Please contact Building Control on 0118 937 2449 for advice.
2. During the course of construction, the developer should take care to ensure that no part of this development (foundations, eaves, guttering, etc.) would encroach on, under or across the boundary line with the adjoining property, as the requisite Notice has not been served on the owner of that property. This permission does not confer any right of access onto land that is not under the developer's control. The developer should also be mindful of the obligations and requirements of the Party Wall Act (1996) details of which can be found at: <http://www.communities.gov.uk/publications/planningandbuilding/partywall>
3. The construction (and demolition) of the development will be subject to environmental health law.

Location plan (not to scale):

