

DELEGATED APPLICATION REPORT

Ward: Abbey

App Ref: 181352/CLP

Address: 15 Newport Road, Reading, RG1 8EA

Proposals: Single storey rear extension and structural alterations

Case Officer: Connie Davis

Applicant: Mrs S. Moreira

Date received (valid from): 2 August 2018

Target Decision date: 27 September 2018

1. INTRODUCTION

The application site is in a terrace row of houses. In terms of its immediate context, the surrounding area is residential and properties are uniform in their Victorian architectural style.

2. PROPOSAL AND SUPPORTING INFORMATION

The proposal comprises of the construction of a single storey rear extension and structural alterations. The rear extension measures 4.8 metres in length from the existing property and 3 metres in height. It also comprises of the installation of a roof lantern. Structural alterations relate to a raised decked platform to the rear of the proposed extension with a height of 0.4 metres and a window to be placed on the upper-floor south-east side elevation.

Plans Submitted:

The agent supplied the following drawings, received on 2nd August 2018:

MAP/C3157/001 - Location & Site Level Plans- Proposed GA

MAP/C3157/180 - Elevations - Existing GA

MAP/C3157/113 - Ground Level Plan - Existing GA

MAP/C3157/123 - First Level Plan - Existing GA

MAP/C3157/143 - Roof Level Plan - Existing GA

MAP/C3157/280 - Elevations Proposed GA

MAP/C3157/223 - First Level Plan - Proposed GA

MAP/C3157/213 - Ground Level Plan - Proposed

MAP/C3157/243 - Roof Level Plan - Proposed GA

3. RELEVANT PLANNING HISTORY

None.

4. CONSULTATIONS

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

5. RELEVANT PLANNING POLICY & GUIDANCE:

Section 10 of the Planning and Compensation Act 1991 established a procedure that enables anyone who wishes to do so, to apply to the local planning authority to

determine whether a proposed use or operation, or an existing operational development or an existing use of land, or any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted, is lawful, and if so, be granted a certificate to that effect.

A Lawful Development Certificate is a legal document stating the lawfulness of past, present or future development. If granted by the local planning authority, the certificate means that enforcement action cannot be carried out to the development referred to in the certificate. However, the certificate will not protect from enforcement action by the planning authority if the specified use or development is then changed 'materially' without a planning application for it.

The certificate is not a planning permission. The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The responsibility is on the applicant to provide evidence to support the application.

The NPPG states that "In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved. In determining an application for a prospective development under section 192 of the Town & Country Planning Act a local planning authority needs to ask "if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes."

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 Class A and 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' and 'buildings etc' respectively.

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);
COMPLIES

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); **COMPLIES**

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; **COMPLIES**

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; **COMPLIES** A.1 (e) the enlarged part of the dwellinghouse would extend beyond a wall which (i) forms the principal elevation of the original dwellinghouse; **COMPLIES** or (ii) fronts a highway and forms a side elevation of the original dwellinghouse; **COMPLIES**

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, **DOES NOT COMPLY. The host dwelling is a terraced property and therefore the rear extension cannot exceed 3 metres. The proposal depicts an extension of 4.8 metres.** (ii) exceed 4 metres in height; **COMPLIES**

A.1 (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, **DOES NOT COMPLY- Condition A4 has not been complied with** or (ii) exceed 4 metres in height **COMPLIES**

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, **COMPLIES** or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse; **COMPLIES**

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; **COMPLIES**

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, **COMPLIES** (ii) have more than a single storey, **COMPLIES** or (iii) have a width greater than half the width of the original dwellinghouse; **COMPLIES**

A.1 (k) it would consist of or include - (i) the construction or provision of a verandah, balcony or raised platform, **DOES NOT COMPLY. THE RAISED DECKED PLATFORM WILL BE TESTED UNDER CLASS E, PART 1, SCHEDULE 2 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015.** (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 **COMPLIES**, or (iv) an alteration to any part of the roof of the dwellinghouse **COMPLIES**

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; **COMPLIES**

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, **NOT CONFIRMED** 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; **NOT CONFIRMED.**

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. **COMPLIES**

A.4 Conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). The local planning authority must notify each adjoining owner or occupier about the proposal if its dimensions are those in accordance with A.1(g). **THIS PROPOSAL FAILS CONDITION A4 AS IT FALLS UNDER CLASS A.1(g) AND THEREFORE HOUSEHOLDER PRIOR APPROVAL SHOULD BE OBTAINED.**

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, 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; (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 **DOES NOT COMPLY. The raised platform proposed to adjoin the rear extension measures 0.4 metres in height. This infringes the 0.3 metre maximum height permitted under the General Permitted Development Order (2015)**

E.1 (i) it relates to a dwelling or a microwave antenna. **COMPLIES**

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
- (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 dwellinghouse would exceed 10 square metres. **NOT APPLICABLE**

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. **NOT APPLICABLE**

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. **COMPLIES**

Equality Act

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. It is considered that there is no indication or evidence (including from consultation on the current applications) that the protected groups have or will have different needs, experiences, issues and priorities in relation to this particular planning application.

Conclusion:

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Class A and Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and it has been confirmed that the proposal would not be lawful and a certificate should not be granted in this instance for the following reasons:

Class A.1 (f), Part 1, Schedule 2, of The Town and Country Planning (General Permitted Development) Order 2015 states:

Development is not permitted if 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

The proposed extension exceeds the above measurements and projects 4.8 metres from the rear of the dwelling and therefore is an infringement of the above. The proposal does also not comply with condition A4, which requires extensions that exceed the limits outlined on A.1(f), as specified on A.1(g) to adhere to. Householder Prior Approval is required.

As Class E.1(h), Part 1, Schedule 2, of The Town and Country Planning (General

Permitted Development) Order 2015 states:

Development is not permitted if it would include the construction or provision of a verandah, balcony or raised platform

Interpretation of Part 1 (I), Part 1, Schedule 2, of The Town and Country Planning (General Permitted Development) Order 2015 states that ‘*Raised*’ in relation to a platform means a platform with a height greater than 0.3 metres’. The proposed raised platform, constituting decking, measures a height of 0.4 metres and therefore is an infringement of the above.

Recommendation: REFUSE CERTIFICATE

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended), Class A and Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and it has been confirmed that the proposal would not be lawful and a certificate should not be granted in this instance for the following reasons:

Class A.1 (f), Part 1, Schedule 2: the extension is 4.8m in length

Class E.1(h), Part 1, Schedule 2: the proposed raised platform, constituting decking, measures a height of 0.4 metres.

Plans considered:

All drawings received on 2nd August 2018:

MAP/C3157/001 - Location & Site Level Plans- Proposed GA

MAP/C3157/180 - Elevations - Existing GA

MAP/C3157/113 - Ground Level Plan - Existing GA

MAP/C3157/123 - First Level Plan - Existing GA

MAP/C3157/143 - Roof Level Plan - Existing GA

MAP/C3157/280 - Elevations Proposed GA

MAP/C3157/223 - First Level Plan - Proposed GA

MAP/C3157/213 - Ground Level Plan - Proposed

MAP/C3157/243 - Roof Level Plan - Proposed GA