

Address: 22 Tower Close,
Emmer Green,
GG4 8UU

Application No: 172275/CLP

Proposal: Erection of a front porch, side extension, rear extension and side dormers.
Demolition of existing side extension.

Case Officer: Tom French

Introduction & Proposal

The application site is a single story residential property located on the south side of Tower Close. The property has an existing side extension and is located in a predominantly residential area.

The applicant proposes to demolish and rebuild the existing single story side extension and erect a single story rear extension. In addition it is proposed to add two side dormer extension and a front porch.

Plans Submitted:

The agent supplied the following drawings:

Drawing No: 160301 - Block Plan and Existing Site Plan

Drawing No: 160302 - Existing Elevations, Existing Floor and Roof Plans

Drawing No: 160303 - Proposed Elevations, Proposed Floor and Roof Plans

Received on 18/12/17

Relevant Planning History:

None

Summary of Consultations:

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

Nevertheless, a nearby occupier has responded seeking for the almost floor to ceiling windows in the south [rear] elevation roof dormer extension to be obscure glazed to prevent privacy of the immediate neighbours.

Officer response: Condition B2 (c) of Class B only refers to side elevation windows being obscure glazed and no reference is made to rear elevation windows. As such, given the nature of the application (as a certificate of lawfulness and not an application for planning permission) the sole basis of determining the application is in line with Class B (rather than on the basis of amenity considerations, which cannot form any part of the assessment in this instance). As such, there is no basis for these windows to be sought or secured as obscurely glazed as part of the determination of the lawful development certificate application.

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 Classes A, B and D of Part 1, of 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 dwelling house', 'the enlargement of a dwelling house consisting of an addition or alteration to its roof' and 'The erection of a porch outside any external door of a dwellinghouse'.

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 dwellinghouse enlarged, improved or altered would exceed 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; (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 3 metres in the case of a semi-detached house, or (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, or
 - (ii) exceed 4 metres in height; **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 (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
 - (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 2m of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3m; **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 4m in height, (ii) have more than one storey, 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 veranda, 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. **COMPLIES**

Development is permitted by Class A subject to the following relevant conditions:

- A.3 (a) the materials used in any exterior work shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse; **COMPLIES.**
- A.3 (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be - (i) obscure-glazed, 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; **COMPLIES**
- A.3 (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse. **COMPLIES**

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

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); **COMPLIES.**
- 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; **COMPLIES**
- 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; **COMPLIES**
- B.1 (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres in the case of a semi-detached house; **COMPLIES**
- 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; **COMPLIES**
- Or B.1 (f) the dwellinghouse is on article 2(3) land. **COMPLIES.**

Development is permitted by Class B subject to the following conditions:

- B.2 (a) the materials used in any exterior work shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse; **COMPLIES**
- 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; 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; **COMPLIES**
- (ii) and 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; **COMPLIES.**
- B.2 (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be (i) obscure-glazed, and (ii) non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. **COMPLIES**

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) **COMPLIES**
- D.1 (b) the ground area (measured externally) of the structure would exceed 3 square metres; **COMPLIES**
- D.1 (c) any part of the structure would be more than 3 metres above ground level **COMPLIES**
- 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. **COMPLIES**

Conclusion

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Class A, B and D, 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:

Drawing No: 160301 - Block Plan and Existing Site Plan

Drawing No: 160302 - Existing Elevations, Existing Floor and Roof Plans

Drawing No: 160303 - Proposed Elevations, Proposed Floor and Roof Plans

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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.
4. Work on a loft or roof may affect bats. The applicant will need to consider protected species when planning work of this type. A survey may be needed, and if bats are using the building, a licence may be required. To view specific information regarding bats use the following link:

<https://www.gov.uk/wildlife-licences>

