

DELEGATED APPLICATION REPORT

Ward: Coley

App Ref: 240057/CLE

Address: 35 Brunswick Hill, Reading, RG1 7YU

Proposals: Certificate of Lawfulness for existing decking and outbuilding

Case Officer: Mr Gary Miles

Applicant: Mr Vladimir Richter

Date received (valid from): 16 January 2024 **Target Decision date:** 12 March 2024

Site visit: 21st February 2024



Site visit photograph.

1. INTRODUCTION

The application site is a two storey detached property constructed late noughties, located near the top of Brunswick Hill. One side of the property borders a grand property which has recently been converted to apartments and the other side of the property borders a block of semi-detached properties. The property has a larger than average westerly facing rear garden which backs on to the railway line. The garden is largely flat lengthways with a gradual down-gradient slope across the width to the boundary with no.33 Brunswick Hill. The property is not listed and it doesn't fall within a Conservation Area.

The application is to determine the lawfulness of an outbuilding and decking to the rear garden of the property. The dimension of the outbuilding is 2.1m in height, 2.7m in width and 3.5m in depth. The outbuilding is positioned at the very rear of the rear garden, in the corner of the plot. The decking sits to the right of the outbuilding and covers the remaining section of land between the outbuilding and the boundary fence of no.33 Brunswick Hill.

The decking measures 3.7m by 2.7m and has a max height of 0.39m from ground level. The outbuilding measures 3.5m by 2.7m and has a pitched roof with a max height of 2.1m. The use of the outbuilding is to accommodate a home office incidental to the main dwelling.

2. PLANS SUBMITTED

The agent submitted the following plans & documents:

Application Form - dated Jan 2024

Location Plan - dated Jan 2024

HM Land Registry Extract

Planning Statement (Studio Charette)

Received by the Local Planning Authority on 17th January 2024

3. RELEVANT PLANNING HISTORY

070463 - Demolition of existing garage and replacement with a 3 bedroomed house - Permitted July 2007

081598 - Minor amendment to planning consent 07/00518/FUL for a new dwelling (amendment to street scene plan number 182904) - Permitted Dec 2008

4. CONSULTATIONS

Not a requirement for this type of application.

5. RELEVANT PLANNING POLICY & GUIDANCE

National Planning Practice Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

Permitted development rights for householders - Technical Guidance September 2019

6. 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 outbuilding 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 'buildings etc incidental to the enjoyment of a dwellinghouse'.

The relevant conditions of the GPDO for an outbuilding, 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, **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, **complies** 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; **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; **complies**

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

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; or

(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. **complies**

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. **complies**

Incidental use

In considering Class E proposals, the critical test to be applied is firstly (i) whether the uses of the proposed outbuilding, in the context of the whole planning unit, are intended to be and would remain incidental or subordinate to the main use of the property as a dwelling house, and secondly (ii) whether the proposed outbuilding is reasonably required in order to accommodate those uses. Size is one factor to be taken into account but is not determinative.

- i) A garden room/home office/greenhouse/shed are recognised uses incidental to the residential use of a main dwelling house.
- ii) Plans show the proposed layout of the outbuilding provides sufficient, but not an overprovision of space. The proposed outbuilding is not considered excessively large for the intended use.

The Planning Statement (Studio Charette) submitted with the application provides documented evidence that demonstrates beyond any reasonable doubt that the outbuilding and decking have been in place for more than 4 years. The document includes a number of photographs taken of the decking and outbuilding in-situ - the photographs are date stamped November 2017.

A Google Earth aerial image extract is provided from 2017 showing the existing outbuilding in place in the rear garden and an additional aerial image from 2018 shows the

outbuilding and, when the decking was constructed. The aerial image also shows the property to the south of the application property in its current form before being extended and converted into private apartments.

On balance and on the evidence available, the scale and use within the proposed outbuilding are considered incidental to the main use of the dwelling house.

RECOMENDATION

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. It can be confirmed that the proposed operation would be lawful for planning purposes on the basis of the plans and documents received on 17th January 2024:

Application Form - dated Jan 2024
Location Plan - dated Jan 2024
HM Land Registry Extract
Planning Statement (Studio Charette)

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed outbuilding. Therefore the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed development.