

Planning Statement

for:

Certificate of Lawfulness for the proposed works to
construct one outbuilding under Class E of the GPDO

at:

1 The Gardeners
Emmer Green
Reading
RG4 8EZ

February 2024

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Site:

1 The Gardeners, Emmer Green, RG4 8EZ

Applicant:

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Document revisions

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1.0 Introduction

1.1 This Statement accompanies a Certificate of Lawfulness submission for proposed works to construct one outbuilding to be assessed against Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order.

1.2 The application property is located on the eastern side of Surley Row, which is a road running from north to south. The road rises as it heads north. The application site itself is relatively flat, with a slight level change with garden rising slightly away from the dwelling, both to the rear of the property and the side.

1.3 The application property forms part of a development site following the demolition of The Gardeners Arms Public House. The application reference for the permission was 1900040. The site is located within a Conservation Area.

1.4 Upon reviewing the conditions associated with the development, the following condition was noted.

12 - Notwithstanding the provisions of Part 1, Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no development within Class A (enlargement, improvement or other alteration), Class B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof) shall be carried out within the curtilage of the dwelling without express planning permission from the Local Planning Authority.

REASON: Due to the constrained nature of the site and as unrestricted development could harm the amenities of neighbouring properties through overlooking or being overbearing and harm the appearance of the main house and the area in general and should therefore be controlled in accordance with Policy CC7 and CC8 of the Reading Borough Local Plan 2019

1.5 The condition only removed the ability to carry out works in conjunction with Classes A and B. The permission did not remove the ability to carry out works in conjunction with Class E.

2.0 Planning Analysis

SCHEDULE 2

PART 1 - Development within the curtilage of a dwellinghouse

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Permitted development

E. The provision within the curtilage of the dwellinghouse of—

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

The outbuilding would be for purposes incidental to the enjoyment of a dwellinghouse as detailed in the accompanying plans.

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

N/A

Development not permitted

E.1 Development is not permitted by Class E if—

(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);

The dwellinghouse was not converted to become a dwellinghouse by virtue of these classes.

(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);

The total area of ground covered by the outbuilding within the curtilage (other than the original dwellinghouse), would not exceed 50% of the total area of the curtilage.

It should be noted that together with the other proposed works within the garden of the application dwellinghouse (the subject of a separate application), that they would not cumulatively exceed 50% of the total area of the curtilage of the dwellinghouse.

(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;

The proposed outbuilding would not be situated on land forward of a wall forming the principal elevation.

(d) the building would have more than a single storey;

The proposed outbuilding is single storey.

(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

The outbuilding is within 2 metres of a boundary of the curtilage of the dwellinghouse, but the maximum height of the outbuilding would not exceed 2.5 metres in height.

(iii) 3 metres in any other case;

N/A

(f) the height of the eaves of the building would exceed 2.5 metres;

The height of the eaves on the outbuilding would not exceed 2.5 metres as the maximum height of the outbuilding would be 2.5 metres in height.

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

The proposed outbuilding would not be situated within the curtilage of a listed building.

(h)it would include the construction or provision of a verandah, balcony or raised platform;

The proposed outbuilding would not include the construction of a verandah, balcony or raised platform.

(i)it relates to a dwelling or a microwave antenna; or

N/A

(j)the capacity of the container would exceed 3,500 litres.

N/A

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.

The dwellinghouse is not located within any of the abovementioned constraints.

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.

The dwellinghouse is located in article 2(3) land, however, the proposed outbuilding is not situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

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.

Incidental uses

Government guidance sets out what types of uses and structures can be regarded as incidental to the enjoyment of a dwellinghouse and does not include, for example, primary living accommodation. The need to consider whether a building is reasonably required for a purpose incidental to the dwellinghouse has also been established by case law. The development must be required for a purpose incidental to the enjoyment of the dwellinghouse and not for any extraneous purpose. In this respect, the Courts have held that such use would not accommodate the “unrestrained whim” of the householder, but would require a sense of “reasonableness”.

The proposed development, as clearly demonstrated on the submitted plans, is considered to be reasonable and incidental to the use and enjoyment of the dwellinghouse.

The proposed outbuilding therefore complies with the criteria of Class E of the GPDO.

As a result of all aspects of the proposed permitted development works complying with permitted development criteria, the Certificate should be issued confirming that the outbuilding complies with the criteria of Class E.