

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: D0109.21

WARD : Cranham

Date Received: 19th February 2021

ADDRESS: 176 FRONT LANE
UPMINSTER

PROPOSAL: Certificate of Lawfulness for a single storey rear extension.

DRAWING NO(S): WD-001
WS-002
WD-003
WD-004
WD-005
WD-006
01
02
03

RECOMMENDATION : It is recommended that a **Certificate of Lawfulness be issued** in accordance with the details given at the end of the report

SITE DESCRIPTION

The application site is a two storey terraced residential dwellinghouse finished in brick face. It currently benefits from a rear extension. It is not a listed building, nor is located within a conservation area.

DESCRIPTION OF PROPOSAL

A Certificate of Lawfulness is sought for a single storey rear extension.

1. The existing rear extension measures between approximately 3.15m and 4m deep, 7.80m wide and has a height of 2.96m.
2. The proposed rear extension would measure 6m deep, 7.80m wide and 3m high.
3. The proposed rear extension would have sky lights, which would increase its height to 3.80m.

RELEVANT HISTORY

Y0429.20 - Single storey rear extension with an overall depth of 6m, a maximum height of 3.8m, and an eaves height of 3m. (PRIOR APPROVAL)
Prior Appr Not 10-02-2021
Req'd

CONSULTATIONS/REPRESENTATIONS

This is an application for a Certificate of Lawful Development (proposed), which is a request to the Council to confirm that the development as specified is Lawful. In assessing this application, the Council is making a determination of fact and as such, it is not considered to be necessary to undertake a public consultation.

RELEVANT POLICIES

MAYORAL CIL IMPLICATIONS

This application is not CIL liable because the new floor space created does not exceed 100 square metres.

STAFF COMMENTS

* It must be noted that although the depth of the proposed total enlargement exceeds the normal 3m permitted development allowance for semi-detached properties, this is in accordance with prior approval granted for this development (Y0429.20). Therefore, the larger home extension allowances apply to this proposal.

Furthermore, due to the Covid-19 pandemic, the officer was unable to conduct a site visit for the property. Site photos were received from the agent on 02/03/21.

The main issues are:

1. Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended .

Have permitted development rights been removed? - No

Is the property a dwellinghouse? - Yes

Is it detached? - No

Is it semi-detached or terraced? - Yes

Is it within a conservation area? - No

(a) Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)? - No

Development not permitted by Class A

(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) ? - No

(c) would the height of the part of the dwellinghouse enlarged, improved or altered exceed the height of the highest part of the roof of the existing dwellinghouse? - No

(d) would the height of the eaves of the part of the dwellinghouse enlarged, improved or altered exceed the height of the eaves of the existing dwellinghouse? - No

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

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

(ii) fronts a highway and forms a side elevation of the original dwellinghouse? - No

(f) would, 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 - Yes

(ii) exceed 4 metres in height? - No

Dimensions of Extension:
6m (d); 7.80m (w); 3m (h)

(h) would the enlarged part of the dwellinghouse have more than one storey and:-

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres? - N/A, or
(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) would the enlarged part of the dwellinghouse 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? - No

(j) would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and: -

- (i) exceed 4 metres in height? - N/A,
- (ii) have more than one storey? - N/A, or
- (iii) have a width greater than half the width of the original dwellinghouse? - N/A

(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) ? - No

(k) it would consist of or include:-

- (i) the construction or provision of a veranda, balcony or raised platform? - No,
- (ii) the installation, alteration or replacement of a microwave antenna? - No,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe? - No, or
- (iv) an alteration to any part of the roof of the dwellinghouse? - No

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted if:-

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles? - N/A;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse? - N/A;

(c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse? - N/A

(d) 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 (b) and (c)? - N/A

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

(a) would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse? - Yes.

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

dwelling house be: -

- (i) obscure-glazed? - N/A, 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? - N/A;

(c) would 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

KEY ISSUES/CONCLUSIONS

The proposed development is considered to be in accordance with the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015.

It would therefore not require planning permission and, as such, it is therefore recommended that a Certificate of Lawfulness be issued in this instance.

RECOMMENDATION

It is recommended that a **Certificate of Lawfulness be issued**

1. Cert of Lawfulness - Reason for Approval Class A

The operations come within the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, thereby not requiring planning permission.

INFORMATIVES

1 Cert of Lawfulness Building Regs

This certificate provides confirmation that the development is lawful. You should also check whether the development requires separate Building Regulation consent. Information is available on the Building Control webpages and the team is available between 9am and 10am Monday to Friday via 01708 432700.

2 Cert of Lawfulness Class A

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) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(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; and

(c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of

the original dwellinghouse.

Authorising Officer: Habib Neshat
--

22-04-2021
