

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: D0331.23

WARD: St Andrew's **Date Received:** 17th July 2023

ADDRESS: 67 Newbury Gardens
Upminster

PROPOSAL: Certificate of Lawfulness for demolition of existing conservatory and erect new rear extension

DRAWING NO(S): P01
P02
P03
Location Plan

RECOMMENDATION: It is recommended that a **Certificate of Lawfulness not be issued in this case** for the reason(s) given at the end of the report

SITE DESCRIPTION

Residential, two storey semi-detached dwelling finished in painted render with hanging tile on the two storey bay feature. The application dwelling is not a listed building or within a conservation area.

DESCRIPTION OF PROPOSAL

A Certificate of Lawfulness is sought for the demolition of the existing conservatory and to erect a new rear extension.

RELEVANT HISTORY

P1360.86 - Garage - Approved.

Building control records indicate that there was an extension to the kitchen in 1983.

P1501.06	Conversion of garage into utility, shower and storage
	Apprv with cons 11-10-2006

CONSULTATIONS/REPRESENTATIONS

N/A.

RELEVANT POLICIES

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

MAYORAL CIL IMPLICATIONS

N/A

STAFF COMMENTS

In accordance with the current criteria for site visits, an in-person site visit was not undertaken. Site photos were provided by the agent in support of the application when requested. In determining this planning application, photos, Google StreetView TM, aerial view images and submitted drawings were used to assess the site constraints.

The main issues are:

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 has 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, or
- (ii) exceed 4 metres in height? - No

Larger Householder Extension (PRIOR APPROVAL)

(g) is the development outside of article 2(3) land (conservation area) or outside of a site of special scientific interest? - NA

(g) cont_ would it have a single storey (previous extensions to the rear need to be taken into account) ? - No

(i) Would it extend beyond the rear wall of the original dwellinghouse by up to or the equivalent of 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse? - No

(ii) Be less than or equal to 4 metres in height? - Yes

Have any representations been received from adjoining premises? - No

(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? - No, 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? - No

(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, - Yes

and:-

- (i) exceed 4 metres in height? - No,
- (ii) have more than one storey? - No, or
- (iii) have a width greater than half the width of the original dwellinghouse? - Yes

Comments: The proposed ground floor rear extension would connect to an existing side extension, producing a wrap round extension, which would go beyond the side wall of the original dwelling house. From photographic evidence, it is considered that the existing garage is not an original part of the dwelling house and is not characteristic of the street.

(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) ? - Yes

(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? - No;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse? - Yes;
- (c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse? - No

(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)? - Yes

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? - No, 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? - No;
- (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? - No.

Officer comments: The cumulative width of ground floor rear and existing side extensions would create a wrap round extension which would be more than half the width of the original dwelling house, which would fail to comply with Class A.

For the reasons outlined above it is recommended that the Certificate of Lawfulness be declined (refused) in this instance.

KEY ISSUES/CONCLUSIONS

For the reasons outlined above it is recommended that a Certificate of Lawfulness for the proposed development be declined.

RECOMMENDATION:

It is recommended that a **Certificate of Lawfulness not be issued in this case** for the following reason(s)

1 Cert of Lawfulness - Reason for Refusal

The development is not permitted by Class A as:

The proposed ground floor rear extension and existing side extension would have a width greater than half the width of the original dwelling house due to its wrap round design. As a result, a planning application will be required.

Authorising Officer:

A handwritten signature in black ink, reading "Habib Neshat".

Habib Neshat

11th September 2023