

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: D0366.23

WARD: Hylands & Harrow Lg **Date Received:** 16th August 2023

ADDRESS: 2 Regency Gardens
Hornchurch

PROPOSAL: Certificate of Lawfulness for side ground floor extension

DRAWING NO(S): REGENCYDR02a
REGENCYDR03
Site Location Plan

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 detached dwelling. The dwellinghouse is not a listed building and is not located within a conservation area.

DESCRIPTION OF PROPOSAL

A Certificate of Lawfulness is sought for a side ground floor extension.

RELEVANT HISTORY

Officer's have reviewed the available planning history for the site. There is no evidence that permitted development rights have been removed.

D0286.23	Certificate of Lawfulness for rear side ground floor extension
	PP is required 14-08-2023

CONSULTATIONS/REPRESENTATIONS

An application for a Certificate of Lawfulness 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. As such, it is not considered to be necessary to undertake a public consultation.

RELEVANT POLICIES

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

MAYORAL CIL IMPLICATIONS

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

STAFF COMMENTS

The officer did not carry out a site visit. Site drawings, photos provided by the applicant as well as aerial view and streetview were also used to assess the site.

SIDE EXTENSION

The proposed development falls within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as the development would consist of an enlargement to the dwelling house consisting of an addition side extension.

Have permitted development rights been removed? - No

Is the property a dwellinghouse? - Yes

Is it detached? - Yes

Is it semi-detached or terraced? - No

Is it within a conservation area? - No

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:

(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 - N/A

(ii) exceed 4 metres in height? - N/A

(g) 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 - 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? - 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? - No,

(ii) have more than one storey? - No, or

(iii) have a width greater than half the width of the original dwellinghouse? - No.

The extension projects beyond a wall which forms a side elevation. The proposed width of the extension is 4.075m. The original width of the dwelling is 8.15m. Therefore, $8.15/2 = 4.075\text{m}$

6.1m (d); 4.075m (w); 3.3m (max) (h)

(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

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 and 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** in accordance with the following details

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;

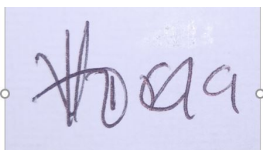
(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be-

(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 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

Authorising Officer:



Victoria Collins

11th October 2023