

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: D0413.23

WARD: Mawneys **Date Received:** 20th September 2023

ADDRESS: 40 Collier Row Lane
Romford

PROPOSAL: Certificate of Lawfulness for single storey rear extension (following prior approval reference Y0121.23 dated 06-06-2023).

DRAWING NO(S): LIVARCH/40CRL/101 (A)
LIVARCH/40CRL/103 (A)
LIVARCH/40CRL/105 (A)
LIVARCH/40CRL/107

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

The application site is a two-storey semi-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 storey rear extension (following prior approval reference Y0121.23 dated 06-06-2023).

RELEVANT HISTORY

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

D0269.23	Certificate of Lawfulness for single storey rear extension (following prior approval reference Y0121.23 dated 06-06-2023).
	PP is required 07-08-2023
Y0121.23	Single storey rear extension with an overall depth of 6m, a maximum height of 3.15m, and an eaves height of 3m. (PRIOR APPROVAL)
	Pr App Not Req'd 06-06-2023

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.

REAR 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? - No

Is it semi-detached or terraced? - Yes (end-terraced)

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 - Yes (But this is acceptable as the applicant has Prior Approval, see reference Y0121.23) or

(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? - Yes

A previous scheme D0269.23 was refused because there was a bay window to the rear elevation. This meant the rear extension would have extended beyond a wall forming a side elevation of the original dwellinghouse and would have had a width greater than half the width of the original dwellinghouse.

In this application the bay window to the rear elevation has been removed. This is denoted on the plans and confirmed with the accompanying photos. However, section j clearly refers to:

'would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse'

As such, the removal of the bay window does not remove the original built form of the application

property meaning the previous issue that warranted refusal of the previous Certificate is still valid. The extension would still extend beyond where there was a wall (bay window) which formed a side elevation of the original dwellinghouse. As such, the proposed 6m width is more than half the width of the original dwelling and would require planning permission.

6m (d); 6m (w); 3m (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 subparagraphs (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 not 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 not be issued in this instance.

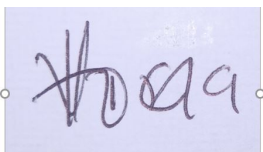
RECOMMENDATION:

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 operations do not fall within the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended. Specifically, the rear extension would extend beyond a wall forming a side elevation of the original dwellinghouse and have a width greater than half the width of the original dwellinghouse.

Authorising Officer:



Victoria Collins

15th November 2023