

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: D0174.25

WARD: Cranham Date Received: 9th April 2025

ADDRESS: 17 TERN GARDENS
UPMINSTER

PROPOSAL: Certificate of Lawfulness for a single storey rear extension

DRAWING NO(S): 2508.02

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 features a mid terrace house located within a predominantly residential area and is not within a conservation area, nor is it a listed building.

DESCRIPTION OF PROPOSAL

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

RELEVANT HISTORY

CONSULTATIONS/REPRESENTATIONS

None required for a lawful development application.

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

CIL NOT LIABLE

STAFF COMMENTS

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

With regards to the rear extension, whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class A (consisting of an addition or alteration to its roof) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Development not permitted;

A.1 Development is not permitted by Class A if

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class F1G, M, F2MA, N, P F3, PA or Q of Part 3 of this Schedule (changes of use); no

(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) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse; no

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse; no

(e) the enlarged part of the dwellinghouse would 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) 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, - no

(g) F4...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, no

or

(ii) exceed 4 metres in height; no

(h) the enlarged part of the dwellinghouse would have more than a single storey and

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

F5(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)the enlarged part of the dwellinghouse would 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)the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would

(i)exceed 4 metres in height,

(ii)have more than a single storey, or

(iii)have a width greater than half the width of the original dwellinghouse; n/a

F7(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);

(k)it would consist of or include

(i)the construction or provision of a verandah, 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

(iv)an alteration to any part of the roof of the dwellinghouse no

For the reasons outlined above it is recommended that a Certificate of Lawfulness is issued in this instance.

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 is 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 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

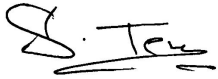
(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

(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.

2 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.

Authorising Officer:



Suzanne Terry

10th June 2025