HUNTINGDONSHIRE DISTRICT COUNCIL

24/01849/CLPD

OFFICER REPORT

Case No: **24/01849/CLPD** **Certificate of Lawfulness proposed**

Proposal: **Erection of a single storey side extension**

Location: **30 Apple Tree Close Yaxley Peterborough**

Applicant: **Mrs Zoe Merrington**

Grid Ref: **519359 292691**

DESCRIPTION OF SITE AND APPLICATION

The application site at 30 Apple Tree Close is occupied by a two-storey detached dwellinghouse located within a residential area in Yaxley. There are no constraints relative to the site.

A Certificate of Lawful (Proposed) Development is sought for the erection of a single storey side extension.

During the lifetime of the application, the description has been revised to reflect that the proposed plans have been adjusted. Given the application is seeking for a Certificate of Lawful (Proposed) Development, on the balance of fairness further consultation on this matter was not considered to be necessary.

While the permitted development rights of the property have not been removed, in order for the proposed development to be considered, the criteria outlined in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) must be met and this is assessed below.

NATIONAL GUIDANCE

The Town and Country Planning Act 1990

The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended)

RELEVANT PLANNING HISTORY

No planning history relevant to this application.

CONSULTATIONS

No consultations - Certificate of lawful permitted development

REPRESENTATIONS

Yaxley Parish Council – Support the application but would like clarification as to the construction and finish of materials used.

Officer Comment: The applicant submitted revised plans, with materials being used to match the existing dwelling.

PLANNING ASSESSMENT

* Development within the curtilage of a dwellinghouse

Schedule 2 - Part 1 - Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) permits the enlargement, improvement or other alteration of a dwellinghouse, subject to certain criteria set out within the Order. The proposed development of a single storey side extension as indicated on plans "Proposed Rear Elevation, Proposed Side Elevation and Proposed Front Elevation" would be permitted as it falls within the definition of the enlargement of a dwellinghouse and because the following additional tests are satisfied:

a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Officer Assessment: Compliant

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);
Officer Assessment: Compliant

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;

Officer Assessment: Compliant

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;

Officer Assessment: Compliant

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;

Officer Assessment: Compliant

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, or
ii. exceed 4 metres in height;

Officer Assessment: Compliant

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;

Officer Assessment: Compliant

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,
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;

Officer Assessment: Not applicable.

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;

Officer Assessment: Compliant

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;

Officer Assessment: Compliant - Maximum ridge height of the extension is 3.4 metres, and the width is 2.3 metres, with the dwelling being 5.5 metres

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);

Officer Assessment: Compliant

k) it would consist of or include—
i. the construction or provision of a verandah, balcony or raised platform,
ii. the installation, alteration or replacement of a microwave antenna,
iii. the installation, alteration or replacement of a chimney, flue or soil and vent pipe,
iv. an alteration to any part of the roof of the dwellinghouse

Officer Assessment: Compliant

l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Officer Assessment: Compliant

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A 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;
(b)the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
(c)the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse;
(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).

Officer Assessment: Compliant. The dwellinghouse is not on article 2(3) land.

A.3 - Conditions

a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

Officer Assessment: Compliant. The application has been revised to include materials to match existing. A condition shall be attached to ensure this is the case.

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

Officer Assessment: Compliant

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.

Officer Assessment: Compliant

*Conclusion

The proposed single storey side extension on plans "Proposed Rear Elevation, Proposed Side Elevation and Proposed Front Elevation" accord with the criteria and conditions set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development is considered to be permitted development and is granted planning permission by virtue of Article 3 of this Order. An application for planning permission is not required.

CONTACT OFFICER:
Enquiries about this report to **Josh France**