HUNTINGDONSHIRE DISTRICT COUNCIL

25/00838/CLPD

OFFICER REPORT

Case No: **25/00838/CLPD** **Certificate of Lawfulness proposed**

Proposal: **Erection of outbuilding.**

Location: **Peace And Plenty 1 Elton Gated Road Water Newton**

Applicant: **Mr Gavin Common**

Grid Ref: **510625 296370**

DESCRIPTION OF SITE AND APPLICATION

This application relates to a detached dwellinghouse located within a large plot in Water Newton.

This application is for a Certificate of Lawful (proposed) Development for the erection of a small outbuilding in the rear garden of the dwelling.

NATIONAL GUIDANCE

Town and Country Planning Act 1990

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

RELEVANT PLANNING HISTORY

24/00449/HHFUL - Erection of two-storey front and side extension, erection of detached single storey annex comprising gym, kitchen, shower room and garden store and installation of pool and pool house (Withdrawn)

24/01229/HHFUL - Side extension and porch to the front elevation, the construction of a detached garage and pool house (Permission)

25/00224/HHFUL - Demolition of an existing workshop and the construction of a single store, one bedroom annex (Permission)

There are no Article 4 Directions in place and the dwelling pre-dates the limitation of permitted development rights. As such, permitted development rights are considered to be intact.

CONSULTATIONS

N/A

REPRESENTATIONS

N/A

SUMMARY OF ISSUES

The proposed alterations must be assessed against the GPDO 2015 (Amended) to determine whether the alterations are 'permitted development' or would require an application to be submitted for planning permission.

Schedule 2, Part 1, Class E of the Town & Country Planning (General Permitted Development) Order 2015 (England) (as amended) permits the provision within the curtilage of a dwellinghouse of "any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure" subject to certain criteria set out within the Order. These tests are set out below:

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 comments - Details accord.

b) the area of ground covered by buildings, together with that of the original dwelling, would exceed 50% of the total area of the curtilage.

Officer comments - Details accord.

c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

Officer comments - Details accord.

d) the building would have more than a single storey;

Officer comments - Details accord.

e) the height of the building, enclosure or container would exceed—

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case;

Officer comments - Does not accord. Whilst the plans show that the building is located 2m from the boundary its overall height to ridge is given as 3.4m. The plans as presented show a hipped roof building not a dual pitched roof. It therefore exceeds the 3m limit as set out in part e (iii) above and fails to accord with Schedule 2, Part 1, Class E of the GPDO in that regard.

f) the height of the eaves of the building would exceed 2.5 metres;

Officer comments - Details accord.

g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

Officer comments - Not applicable, the building is not listed.

h) it would include the construction or provision of a verandah, balcony or raised platform;

i) it relates to a dwelling or a microwave antenna;

Officer comments - Not applicable.

j) the capacity of the container would exceed 3,500 litres;

Officer comments - Not applicable, this does not relate to a container.

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

Officer comments - Not applicable, the dwelling has not been provided under Part 20.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

(a) an area of outstanding natural beauty;

(b) the Broads;

(c) a National Park; or

(d) a World Heritage Site, development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

Officer comments - Not applicable, the dwelling is not located within any such designated sites.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Officer comments - Details accord, the site is not within a Conservation Area.

Conclusion

The development fails to accord with Schedule 2, Part 1, Class E, Part e(iii) of the Town and Country Planning (General Permitted Development) (England) Order (2015) as amended as the overall height of the proposed building exceeds 3 metres for a building which is the limit for a building which does not have a dual pitched roof. As such, formal planning approval would be required for this development.

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CONTACT OFFICER:
Enquiries about this report to **Kevin Simpson**