HUNTINGDONSHIRE DISTRICT COUNCIL

24/01971/CLPD

OFFICER REPORT

Case No: **24/01971/CLPD** **Certificate of Lawfulness proposed**

Proposal: **Proposed block paving to existing gravel driveway, new off-white render dwarf walls to match height of existing walls.**

Location: **151 Crosshall Road Eaton Ford St Neots**

Applicant: **Format Designs**

Grid Ref: **517754 260873**

DESCRIPTION OF SITE AND APPLICATION

This application is for a Certificate of Lawful (Proposed) Development for works relating to the erection of off-white rendered dwarf walls to match height of existing and installation of block paving driveway.

The application site is a two-storey detached dwellinghouse located in Eaton Ford and within the St Neots Conservation Area.

The site does not have any relevant constraints and permitted development rights remain intact.

The plans submitted for the proposed development, reference "1110/P001 Rev A - Site Location and Block Plan, 1110/P002 Rev A - Proposed Block Plan and 1110/P003 Rev A - Proposed Layout Plan" received by the Local Planning Authority on 1st November 2024 indicate that the proposed dwarf walls will be 0.5 metres in height more than 2 metres from the highway and the proposed block paving will drain into the curtilage of the building.

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 required.

REPRESENTATIONS

None

SUMMARY OF ISSUES

The proposed walls must be assessed against The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) to determine whether the proposal is 'permitted development' or would require an application to be submitted for planning permission. Schedule 2 - Part 2 - Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) permits the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure subject to certain criteria set out within the Order. The proposed development to the dimensions indicated on "1110/P001 Rev A - Site Location and Block Plan, 1110/P002 Rev A - Proposed Block Plan and 1110/P003 Rev A - Proposed Layout Plan" received by the Local Planning Authority on 1st November 2024, would be permitted as it falls within the definition of the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure and because the following additional tests are satisfied:

(a)the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—

(i)for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;

(ii)in any other case, 1 metre above ground level;

Officer Comment: In relation to the height of the wall officers note that the wall is to be 0.5 metres in height with the closest part of the wall more than 2 metres from the edge of the highway.

(b)the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

Officer Comment - Compliant

(c)the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

Officer Comment - Not applicable

(d)it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

Officer Comment - Not applicable

Therefore, the proposed development as detailed in plan references "1110/P001 Rev A - Site Location and Block Plan, 1110/P002 Rev A - Proposed Block Plan and 1110/P003 Rev A - Proposed Layout Plan" received by the Local Planning Authority on 1st November 2024, satisfies the criteria and tests attached to Schedule 2 - Part 2 - Class A.

In terms of the block paving Schedule 2 - Part 1 - Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) permits the construction subject to certain criteria set out within the Order. The proposed development to the dimensions indicated on "1110/P001 Rev A - Site Location and Block Plan, 1110/P002 Rev A - Proposed Block Plan and 1110/P003 Rev A - Proposed Layout Plan" received by the Local Planning Authority on 1st November 2024, would be permitted as it falls within the definition of the construction of hard surfaces incidental to the enjoyment of a dwellinghouse and because the following additional tests are satisfied:

Development is not permitted by Class F if—

(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); or

Officer Comment: Compliant

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

Officer Comment: Compliant

Schedule 2 - Part 1 - Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) is subject to certain conditions

(a)the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b)the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Officer Comment: The block paving proposed exceeds 5 m sq and is situated between a wall forming the principal elevation of the dwelling house and the highway and therefore are conditioned to comply as above.

CONCLUSION

In conclusion, the proposed works on submitted plan reference "1110/P001 Rev A - Site Location and Block Plan, 1110/P002 Rev A - Proposed Block Plan and 1110/P003 Rev A - Proposed Layout Plan" received by the Local Planning Authority on 1th November 2024 relating to the erection of dwarf walls and block paving is considered to be permitted within the meaning of Class A, Part 2, Schedule 2 and Class F, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (amended) subject to the condition that the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

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CONTACT OFFICER:
Enquiries about this report to **Andrea Dollard**