HUNTINGDONSHIRE DISTRICT COUNCIL

25/00499/CLPD

OFFICER REPORT

Case No: **25/00499/CLPD** **Certificate of Lawfulness proposed**

Proposal: **Single storey rear extension, loft conversion (including 2x dormer extensions), new rooflights, the blocking up of a kitchen window, 2 new ground floor side windows and partial garage conversion.**

Location: **2 Proby Close Yaxley Peterborough**

Applicant: **Ross Watson**

Grid Ref: **517567 292025**

DESCRIPTION OF SITE AND APPLICATION

The application site is occupied by a two-storey detached dwellinghouse in Yaxley.

A Certificate of Lawfulness is sought for a single storey rear extension, loft conversion (including 2x dormer extensions), new rooflights, the blocking up of a kitchen window, 2 new ground floor side windows and partial garage conversion.

The application includes internal alterations to facilitate the partial garage conversion and these works do not constitute development as set out in section 55 of the Town and Country Planning Act 1990.

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, Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) must be met and this is assessed below.

RELEVANT PLANNING HISTORY

9100216OUT - New vehicular access, conversion of barns into 5 residential units and erection of 10 dwellings – Permission

9500519OUT - Construction of access, conversion of barn to 5 residential units. Erection of 10 dwellings - Permission

9800239REM - Approval of layout, siting & design for the erection of 10 dwellings & conversion of barn into 5 dwellings – Details Approved

The original permission for the development does not contain any conditions which remove permitted development rights connected with the Part 1 of the General Permitted Development Order.

PLANNING ASSESSMENT

<u>Class A. The enlargement, improvement or other alteration of a dwellinghouse.</u>
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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);
Officer comment: Not applicable.

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 comment: Complies.

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 comment: Complies.

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 comment: Complies.

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 comment: Not applicable.

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 comment: Complies. The dwelling is detached and the proposed extension would measure 3.14 metres in depth and would not exceed 4 metres in height.

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 comment: Not applicable.

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 comment: 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 comment: Complies.

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 comment: Not applicable.

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 comment: Complies.

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 comment: Complies.

l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).
Officer comment: Not applicable.

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 comment: Not applicable. 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 comment: Complies. The plans appear to show matching materials and a condition will be added.

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 comment: Complies.

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 comment: Not applicable.

<u>B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.</u>
B.1 Development is not permitted by Class B 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);
Officer comment: Complies.

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

Officer comment: Complies. The plans show that the rear dormers would not exceed the height of the highest part of the existing roof.

(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;
Officer comment: Complies.

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than— (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;
Officer comment: Complies.

(e) it would consist of or include—
(i) the construction or provision of a verandah, balcony or raised platform, or
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
Officer comment: Complies.

(f) the dwellinghouse is on article 2(3) land.; or
Officer comment: Complies.

(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).;
Officer comment: Complies.

(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys)
Officer comment: Not applicable.

B.2 – Conditions
Development is permitted by Class B subject to the following conditions—
(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
Officer comment: Complies. The application form states that similar materials would be used. A condition would be added to secure this.

(b) the enlargement must be constructed so that—
(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—
(aa) the eaves of the original roof are maintained or reinstated; and
(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and
Officer comment: Complies.

(c) any window inserted on 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.
Officer comment: Not applicable.

<u>Class C – other alterations to the roof of a dwellinghouse</u>
C.1 Development is not permitted by Class C 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);
Officer comment: Complies.

(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
Officer comment: Complies. The proposed plans do not show that the proposed rooflights would protrude beyond the plane of the slope of the original roof.

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof;
Officer comment: Complies.

(d) it would consist of or include—
(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.; or
Officer comment: Complies.

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).
Officer comment: Not applicable.

C.2 – Conditions
Development is permitted by Class C subject to the condition that any window located on a roof slope
forming a side elevation of the dwellinghouse must be—
(a) obscure-glazed; and
(b) 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.
Officer comment: Not applicable.

Conclusion

The proposed single storey rear extension, loft conversion including 2 dormer extensions and new rooflights, blocking up of a kitchen window and 2 new ground floor side windows as shown on proposed drawing numbers 001, 002, 007, 008, 009, 010 and 011 accords with the criteria and conditions set out in Schedule 2, Part 1, Class A, Class B and Class C 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 **Robyn Kerrigan**