

<b>Ward:</b>	<b>West Ewell Ward;</b>
<b>Site:</b>	<b>24 Danetree Road West Ewell Surrey KT19 9RZ</b>
<b>Application for:</b>	<b>Single storey rear infill extension with new side window at ground floor and alteration of roof from hip to gable end and rear roof dormer extension (involving conversion of roofspace to habitable use) and installation of three rooflights to front roofslope (Application for a certificate of Lawfulness for a Proposed Development)</b>
<b>Contact Officer:</b>	<b>Ade Balogun</b>

## **1 Plans and Representations**

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: : <http://eplanning.epsom-ewell.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

## **2 Summary**

- 2.1 The applicant has submitted an "Application for a Lawful Development Certificate for a Proposed Development" for Single storey rear infill extension with new side window at ground floor and alteration of roof from hip to gable end and rear roof dormer extension (involving conversion of roofspace to habitable use) and installation of three rooflights to front roofslope.
- 2.2 The application is brought to Planning Committee as the Application Property is owned by a Borough Councillor (Cllr P O'Donovan).
- 2.3 Officers are satisfied that the appropriate legal tests have been met and that a Lawful Development Certificate should be granted.

## **3 Site description**

- 3.1 The application property is a two storey semi-detached dwelling, which is set back from Danetree Road by a driveway. The site has a front boundary fencing with a metal gate and vehicular access. The property is not Listed, nor is it within a Conservation Area

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#### **4 Proposal**

- 4.1 The proposal is a Lawful Development Certificate for a Proposed Development "for Single storey rear infill extension with new side window at ground floor and alteration of roof from hip to gable end and rear roof dormer extension (involving conversion of roofspace to habitable use) and installation of three rooflights to front roofslope". This proposal would increase the footprint of the dwelling along the rear garden space and provide a habitable loft space.
- 4.2 A dwellinghouse owner can usually perform certain types of development without requiring Planning Permission. These are often refer to as "Permitted Development Rights". The name derives from the General Permitted Development Order and are granted not by the Local Planning Authority, but by Parliament via a statutory implement.
- 4.3 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is the current Order. It sets out classes of development for which a grant of Planning Permission is not required, provided that its criteria are fully met and no restrictive condition is attached or that the development is exempt from Permitted Development Rights.
- 4.4 Permitted Development Rights have not been removed at the application property by way of condition or Article IV direction. The preemies are a single dwellinghouse and accordingly benefits from permitted development right, subject to the proposal meeting the criteria of the relevant sections of the order.

#### **5 Comments from third parties**

- 5.1 Not relevant. This type of application is not required to be publicised.

#### **6 Consultations**

- 6.1 Not relevant. This type of application is not required to be publicised.

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**7 Relevant planning history**

None relevant in this case

**8 Planning Policy**

Not relevant - this type of application is not determined on the basis of planning policy

**9 Planning considerations**

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

9.1 This Application is assessed under Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

9.2 The rules on Permitted Development set out in Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) relates to Development within the curtilage of a dwellinghouse.

9.3 Part 1 is then sub-divided into Classes covering various types of development.

- Class A is enlargement, improvement or other alteration of a dwellinghouse and
- Class B is additions etc to the roof of a dwellinghouse, and
- Class C is other alterations to the roof of a dwellinghouse, which are pertinent in this case and covers the rear infill and alterations with roof extensions

Permitted Development

**A. The enlargement, improvement or other alteration of a dwellinghouse.**

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 M, N, P or Q of Part 3 of this Schedule (changes of use);

**Complies**

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the

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original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

**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;

**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;

**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;

**Complies**

- (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;

**Complies**

- (g) *until 30th May 2019, 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;*

**Complies**

- (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  
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

**Complies**

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- (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;

**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; or

**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, or  
(iv) an alteration to any part of the roof of the dwellinghouse.

**Complies**

**B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.**

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 M, N, P or Q of Part 3 of this Schedule (changes of use);

**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;

**Complies**

- (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;

**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;

**Complies**

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- (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

**Complies**

- (f) the dwellinghouse is on article 2(3) land.

**Complies**

### **C. Other alterations to the roof of a dwellinghouse**

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 M, N, P or Q of Part 3 of this Schedule (changes of use);

**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;

**Complies**

- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

**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.

**Complies**

- 9.4 The proposed development complies with all the permitted development limitations and rules as state above

#### Community Infrastructure Levy

- 9.5 Not relevant

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## 10 Conclusion

- 10.1 The proposed single storey rear infill extension with new side window at ground floor and alteration of roof from hip to gable end and rear roof dormer extension (involving conversion of roofspace to habitable use) and installation of three rooflights to front roofslope, fall within the parameters of permitted development as set out under Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 10.2 Officers are therefore satisfied that the appropriate legal tests have been met and that a Lawful Development Certificate should be granted.

## 11 Recommendation

- 11.1 A Lawful Development Certificate should be granted. Subject to the following informative notes to guide the applicant

### Informative(s):

- (1) **A Certificate of Lawful Development is granted for the following reason:**

**The proposed development is Permitted Development under Schedule 2, Part 1 Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).**

- (2) **This decision relates to the following drawings:**

**1113 - S-100- Site Location and Block Plan – 08/09/2020**

**1113-E-100 Rev 06 – Elevation Plans – 02/09/2020**

**1113-L-101 Rev 06- Floor Plans – 02/09/2020.**

- (3) **Class A (The enlargement, improvement or other alteration of a dwellinghouse.) Conditions**

**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) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

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**(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**

**(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**

**(4) Class B (additions etc to the roof of a dwellinghouse) 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;**

**(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**

**(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be —**

- (i)      obscure-glazed, and**

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- (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.

**(5) Class C (Other alterations to the roof of a dwellinghouse) Condition**

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.

- (6) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.**

**If you need any advice regarding Building Regulations please do not hesitate to contact Epsom & Ewell Borough Council Building Control on 01372 732000 or [contactus@epsom-ewell.gov.uk](mailto:contactus@epsom-ewell.gov.uk).**

- (7) You have been granted permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays**