

## **29 Fulford Road, West Ewell, Surrey, KT19 9QZ**

Single storey rear extension (Application for a certificate of Lawfulness for a Proposed Development).

<b>Ward:</b>	<b>West Ewell</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/applicationDetails.do?activeTab=documents&keyVal=PUOPWQGY0DE00>

### **2 Summary**

- 2.1 The applicant has submitted an "Application for a Lawful Development Certificate for a Proposed Development" for a Single storey rear extension (following demolition of existing rear extensions). The application is brought to Planning Committee as the Application Property is owned by a member of the Council Staff.
- 2.2 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 single storey detached bungalow, which is set back from Fulford Road by a driveway. The property is not Listed, nor is it within a Conservation Area.

### **4 Proposal**

- 4.1 The applicant has submitted an "Application for a Lawful Development Certificate for a Proposed Development" for a Single storey rear extension (following demolition of existing rear extensions). This measures 4 metres in depth, spanning across the entire rear elevation of the application dwelling, forming a pitched roof with two rooflights. The maximum height would be 3.2 metres high with eaves height of approximately 2.5 metres above ground level.

4.2 An applicant can undertake certain types of development without requiring Planning Permission. These are often referred 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 instrument. 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 Planning Permission is not required, provided that its criteria is fully met and no restrictive condition is attached or that the development is exempt from Permitted Development Rights.

4.3 Permitted Development Rights have not been removed at the Application Property.

## **5 Comments from third parties**

5.1 Not relevant. This type of application is not required to be consulted on.

## **6 Consultations**

6.1 Not relevant. This type of application is not required to be consulted on.

## **7 Relevant planning history**

7.1 Not relevant.

## **8 Planning Policy**

8.1 Not relevant

## **9 Planning considerations**

9.1 The sole consideration of this case is whether the development is lawful by reason of meeting the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Planning Policy and other material considerations do not apply to the consideration of this application.

9.2 This Application is assessed under Schedule 2, Part 1, Classes A and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as these sections pertain to extensions and roof lights.

9.3 The rules on Permitted Development, set out in Schedule 2 of the Order, are sub-divided into a series of Parts. Part 1 specifically deals with development within the curtilage of a house. Part 1 is then sub-divided into Classes covering various types of development. Class A is pertinent in this case and covers the enlargement, improvement or alterations to a house, including rear extensions.

- 9.4 To note, Regulation 4 makes permanent the existing temporary right to enlarge a dwellinghouse by up to 8 metres in the case of a detached dwellinghouse or by 6 metres in the case of any other dwellinghouse, as permitted by Class A and C of Part 1 of Schedule 2 of the Order. It removes the time limiting date of 30th May 2019, as well as conditions which required development to be completed by that date (The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019).

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

Permitted Development

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

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 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 (see note below)*

*Regulation 4 makes permanent the existing temporary right to enlarge a dwellinghouse by up to 8 metres in the case of a detached dwellinghouse or by 6 metres in the case of any other dwellinghouse, as permitted by Class A of Part 1 of Schedule 2 to the Order. It removes the time limiting date of 30th May 2019, as well as conditions which required development to be completed by that date (The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019)*

(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*

(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

*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*

**Conditions of Class A** - 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.

The proposed development complies with all criteria in Class C provided that conditions are complied with. An informative note is added to remind the applicant

**Class C: Any other alteration to the roof of a dwellinghouse.**

Development not permitted

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*

### **Conditions of Class C**

C.2 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.

*Not applicable*

### Community Infrastructure Levy

9.5 Not relevant

## **10 Conclusion**

10.1 The proposed development is considered Permitted Development, under Schedule 2, Part 1, Classes A and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). 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 The proposed development is considered Permitted Development, under Schedule 2, Part 1, Classes A and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). A Lawful Development Certificate should be granted.

### Informatives:

**(1) The proposed development is considered Permitted Development, under Schedule 2, Part 1, Classes A and C of the Town and Country**

**Planning (General Permitted Development) (England) Order 2015 (as amended) subject to the following conditions**

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

**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;**

**(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.**

**Class C (other alterations to the roof of a dwellinghouse)**

**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..**

**(2) The decision relates to the following drawings:**

**Site Location Plan**

**TD001 - Existing Plans - June 2018**

**TD002 - Proposed Floor Plan - June 2018**

**TD003 - Proposed Elevations - June 2018.**

- (3) Please note that this is only permitted development if the proposed roof lights protrude no more than 0.15m beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.
- (4) All external fascias, materials, treatments and finishes of the proposed new work shall match existing house and those listed in the submitted approved plans to the satisfaction of the Local Planning Authority.
- (5) 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).

- (6) You have been granted planning 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 or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.