

Ward:	Ewell Court Ward;
Site:	32 Courtlands Drive
Application for Certificate of Lawfulness for a Proposed Development :	Demolition of existing conservatory and then creating a new extension across the rear of the house in line of existing conservatory
Contact Officer:	Ade Balogun

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 item is referred to the Planning Committee as the applicant is a Borough Councillor.
- 2.2 The applicant has submitted an application for a Lawful Development Certificate for a Proposed Development for single storey rear extension following demolition of existing single storey rear conservatory.
- 2.3 An applicant can perform certain types of development without requiring to apply for 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.
- 2.4 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 32 Courtlands Drive by a driveway. The property is not Listed, nor is it within a Conservation Area.

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4 Proposal

- 4.1 The application is for demolition of existing conservatory and then creating a new extension across the rear of the house in line of existing conservatory. This proposed new rear extension with three rooflights would span across the entire rear elevation of the original dwelling adjoining the side extension and replacement for the existing rear conservatory addition.
- 4.2 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 None relevant in this case

8 Planning Policy

- 8.1 Not relevant. This type of application is not assessed on policy grounds.

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, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 9.2 The rules on Permitted Development set out in Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) relates to the mean of enlargement, improvement or alteration of dwellinghouses. Part 1 is then sub-divided into Classes covering various types of development. Class A is pertinent in this case and covers the single storey rear extensions.

Permitted Development

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

Development is not permitted by Class A if—

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- (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

- (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

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- (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 ventpipe, 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.

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These conditions are placed as an informative note to remind the applicant of their requirements. Compliance of criterion a) is therefore the responsibility of the applicant and the development is considered to meet criteria b) and c)

Complies

Community Infrastructure Levy

9.4 Not relevant in this case

10 Conclusion

10.1 The proposed demolition of existing conservatory and construction of new single storey rear extension with three rooflights, fall within the parameters of permitted development as set out under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted development) 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, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

11.2 A Lawful Development Certificate should be granted.

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 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

(2) This decision relates to the following drawings:

PL-00 Site Location dated Jul 20
PL-01 Site Block Plan dated Jul 20
PL-05 - Proposed Floor Plans dated Jul 20
PL-06 - Proposed Elevations dated Jul 20
PL-07 - Proposed Sections dated Jul 20.

(3) 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;

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(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.

- (4) 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.

- (5) 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