

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PW	16/04/19
Planning Development Manager authorisation:	AN	16/4/19
Admin checks / despatch completed	AN	16/4/19

ER

Application: 19/00276/LUPROP **Town / Parish:** Frinton & Walton Town Council
Applicant: Mr and Mrs J Bysh
Address: 34 Elm Grove Kirby Cross Frinton On Sea
Development Single storey side extension.

1. Town / Parish Council

Frinton and Walton Noted.
Town Council

2. Consultation Responses

n/a

3. Planning History

19/00276/LUPROP Single storey side extension. Current

4. Relevant Policies / Government Guidance

n/a

5. Officer Appraisal

Proposal

The application seeks a Lawful Development Certificate for a Proposed Development, in this case a single storey side extension to a semi-detached bungalow at 34 Elm Grove, Kirby Cross.

The side extension will measure 3.6m in width, 6.2m in depth and 3.975m in height. The height of the eaves will be 2.55m.

A lawful use certificate is 'a certificate issued by a local planning authority, on application, stating that an existing (LDC 191) or proposed use (LDC 192), or other forms of development, can be considered as lawful for planning purposes.'

The plans submitted with the application show the proposed extension.

Assessment

The main considerations are Planning History and the General Permitted Development Order.

Planning History

Planning permission was granted for the dwelling in 1958 under reference FRW/78/58, and permitted development rights are intact.

General Permitted Development Order

This application seeks a lawful development certificate for a proposed development, relating to the erection of an extension. The aim of this application is to establish whether or not this development would require planning permission. The certificate issued would state that the development is lawful and not at risk of being subject to enforcement action.

To establish whether the proposed development is permitted development, reference needs to be made to the Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposed extension falls to be considered under Schedule 2, Part 1, Class A of the order - '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);
Not applicable.
- (b) 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);
The total area covered by the proposal and existing buildings will not exceed 50% of the total area.
- (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;
The height of the proposed extension will not exceed the height of the highest part of the roof of the existing dwelling.
- (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;
The height of the eaves of the proposed extension will not be higher than the eaves of the existing dwelling.
- (e) The enlarged part of the dwellinghouse would extend beyond a wall which
- (i) fronts a highway, and
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
- The proposed extension will not extend beyond a wall which fronts a highway.**
- (f) 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;
- The proposed will not extend beyond the rear wall of the existing dwellinghouse.**
- (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;
- Not applicable**
- (h) The enlarged part of the dwellinghouse would have more than one storey and would
- (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;
- The proposed extension is single storey**

- (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;
The height of the eaves will be 2.55 metres.
- (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 one storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse; or***The proposal will not exceed 4 metres in height; is single storey; and has a width which is smaller than half the width of the original dwellinghouse.***
- (k) It would consist of or include
 - (i) the construction or provision of a veranda, 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.***The proposal does not include the construction or provision of a veranda, balcony or raised platform or the installation, alteration or replacement of a microwave antenna, chimney, flue, or soil and vent pipe.***

A.2 In the case of a dwellinghouse is on article 2(3) land development is also not permitted by Class if:-

- (a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with, artificial stone, pebble sash, 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 one storey and extend beyond the rear wall of the original dwellinghouse.
The application site is not within a Conservation Area (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) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
No details of materials have been supplied, so this condition will apply to the development. All external materials to be used in the extension must match those used in the existing dwellinghouse.
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall 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***Not applicable.***
- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.
Not applicable.

6. Recommendation

Lawful Use Certificate Granted

7. Conditions / Reasons for Refusal

- 1 The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1 Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015. This definition is subject to the conditions set out therein, namely that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the exiting dwelling house.

8. Informatives

n/a

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO