

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PW	25/07/19
Planning Development Manager authorisation:	TF	25/07/19
Admin checks / despatch completed	en SB	25/7/19 25/07/19

**Application:** 19/00652/LUPROP                      **Town / Parish:** Brightlingsea Town Council

**Applicant:** Mr Richard Dukes

**Address:** 40 Eastern Road Brightlingsea Colchester

**Development** Proposed porch and bay window.

### 1. Town / Parish Council

n/a

### 2. Consultation Responses

n/a

### 3. Planning History

14/00694/FUL              Demolish existing boundary wall              Approved              17.07.2014  
and replace with new brick wall as  
per attached drawing Ref: RD001  
(retrospective application).

19/00652/LUPRO              Proposed porch and bay window.              Current  
P

### 4. Relevant Policies / Government Guidance

n/a

### 5. Officer Appraisal (including Site Description and Proposal)

#### Site Description

The application site is on the east side of Eastern Road, on the corner of the junction with Ladysmith Avenue. The site comprises a detached 1.5 storey detached dwelling positioned centrally in the plot. The site is within the Development Boundary of Brightlingsea, and near to but not within the conservation area.

#### Proposal

This application seeks a Lawful Development Certificate for a Proposed Development – the erection of a front porch and the addition of a bay window to the front of the property.

The porch will have a ground area (measured externally) of 3.63 square metres, and the bay window will be 2.977m in width. Both elements will sit underneath the overhang of the existing roof.

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 porch and bay window.

## **Assessment**

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

### **Planning History**

Planning permission was granted for a detached bungalow in 1990. No conditions restrict the erection of extensions or porches, and as such the property benefits from permitted development rights.

### **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.

### **Front Porch**

The proposed front porch falls to be considered under Schedule 2, Part 1, Class D of the order - 'porches'.

#### **D.1 Development is not permitted by Class D 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 ground area (measured externally) of the structure would exceed 3 square metres;  
***The ground area (measured externally) will be 3.63 square metres.***
- (c) any part of the structure would be more than 3 meters above ground level; or  
***The structure will not be higher than 3m.***
- (d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.  
***The structure will not be within 2 metres of any boundary.***

### **Bay Window**

The proposed bay window 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:-**

- (e) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);  
***Not applicable.***
- (f) 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 will not exceed 50% of the total area.***



- (g) 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 proposal will not exceed the height of the highest part of the roof of the existing dwelling.***
- (h) 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 proposal will not be higher than the eaves of the existing dwelling.***
- (i) 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 proposal will extend beyond a wall which fronts a highway.***
- (j) 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 proposal will not extend beyond the rear elevation.***
- (k) 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***
- (l) 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 will be single storey***
- (m) 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 proposal is not within 2m of the boundary.***
- (n) 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 proposed extension will not extend beyond a wall forming a side elevation of the original dwellinghouse.***
- (o) 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 consists 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 situated 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) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

***The proposal will be finished in matching materials.***

- (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.***

### **Conclusion**

The proposed bay window does not comply with paragraph A.1 (i). The proposed porch does not comply with paragraph D.1 (b). A lawful development certificate can therefore not be granted.

### **6. Recommendation**

Lawful Use/development Refused

### **7. Conditions / Reasons for Refusal**

- 1 The application seeks confirmation that a front porch and front bay window are lawful. The floor area of the porch (measured externally) would be 3.63 square metres, so exceeds the limits of Schedule 2, Part 1 Class D.1 (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015. The front bay window would extend beyond a wall which fronts a highway and forms the principal elevation of the original dwellinghouse, so exceeds the limits of Schedule 2, Part 1 Class AD.1 (e) of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposed development therefore does not constitute permitted development.

### **8. Informatives**

n/a