

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	03/10/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO	
Team Leader authorisation / sign off:	ML	04/10/2024
Assistant Planner final checks and despatch:	ER	04/10/2024

Application: 24/01298/LUPROP **Town / Parish:** Bradfield Parish Council

Applicant: Mrs Beverley Speck

Address: 2 Heath Farm Windmill Road Bradfield

Development: Application for Lawful Development Certificate for Proposed Use or Development for Single Storey Rear Extension.

1. Town / Parish Council

Not required for this type of application.

2. Consultation Responses

Not required for this type of application.

3. Planning History

15/00285/FUL	Demolition of farmhouse and outbuildings and erection of 2 No. detached dwellings and garages.	Approved	01.05.2015
15/01387/DISCON	Discharge of conditions 05 (Construction Method Statement) and 06 (Design Size 3 Turning Head) of planning permission 15/00285/FUL.	Approved	21.09.2015
17/00055/FUL	Variation of condition 2 (Application 15/00285/FUL) - Construction of private access road between plots 1 and 2 (to serve approved development to rear) resulting in reduction in plot width and garden size.	Approved	02.03.2017
17/01802/TPO	T1 Copper Beech, T2 - Copper Beech - 30% crown reduction and shape	Approved	23.01.2018
20/00535/TPO	T1, Copper Beech Tree - Remove.	Approved	26.05.2020

4. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a two-storey detached house located on a corner plot setting. Its front elevation faces Windmill Road whilst its side elevation faces Margarets Place to the south.

Proposal

This application seeks a Lawful Development Certificate for a proposed development, in this case the erection of a single storey rear extension.

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 extension. The main considerations are as follows;

- Planning History
- General Permitted Development Order

Planning History

The application house was erected under a planning approval within 2015 (15/00285/FUL), 2016 (16/01688/FUL) and later varied under 2017 (17/00055/FUL). The permitted development rights for enlargement were not removed as part of these permission meaning that the house retains these.

General Permitted Development Order

This application seeks a lawful development certificate for a proposed development, relating to the erection of a rear extension within the curtilage of the host dwelling. 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.

Class A - the enlargement, improvement or other alteration of a dwellinghouse

A.1 Development is not permitted if as a result of the works;

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Not Applicable. The proposal complies.

(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 building will not exceed 50% of the total area. The proposal 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;

The height of the proposed extension will not exceed the height of the highest part of the roof of the existing dwellinghouse. The proposal 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;

The eaves height of the proposed extension will not exceed that of the existing. The proposal complies.

(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 house benefits from a two storey rear projection which the proposal will extend off and protrude towards the side boundary shared with the highway of St Margarets Place. This extension will therefore extend beyond a wall which fronts a highway and forms a side elevation of the original dwellinghouse. As such, this criterion is not met, and planning permission would be required.

(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;

The proposal does not extend beyond the rear wall of the dwellinghouse by more than 4 metres and does not exceed 4 metres in height. The proposal complies.

(g) 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;

The proposal does not extend beyond the rear wall of the dwellinghouse by more than 8 metres and does not exceed 4 metres in height. The proposal complies.

(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 be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;".

The proposal is single storey. The proposal 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;

The height of the eaves do not exceed 3 metres. The proposal 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 one storey, or
- (iii) have a width greater than half the width of the original dwellinghouse; or

The proposal does not exceed 4 metres in height, is of a single storey nature and does not have a width greater than half of the width of the original dwellinghouse. The proposal complies.

(ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

Any total enlargement does not exceed the limits set out above. The proposal complies.

(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 installation of those elements mentioned above. The proposal complies.

(I) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

The dwelling house was not built under part 20 of this Schedule. The proposal complies.

A.2 In the case of a dwellinghouse on article 2(3) land development is also 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, 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.
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (b) and (c).

Not applicable as the site does not fall within article 2(3) land. The proposal complies.

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 constructed using materials of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The proposal complies.

- (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 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."

Not applicable.

Conclusion

Having assessed the proposal against the criteria for the above legislation, the enlarged part of the dwellinghouse would extend beyond a wall which fronts a highway and forms a side elevation of the original dwellinghouse. As such, it fails to meet criteria to be classed as Permitted Development, and a full planning application is therefore required.

5. Recommendation

Proposed Lawful Use Certificate - Refused

6. Reasons for Refusal

- 1 The enlarged part of the dwellinghouse would extend beyond a wall which fronts a highway and forms a side elevation of the original dwellinghouse. As such it fails to meet criterion (e) for Permitted Development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

7. Informatives

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

0220-A-100 01
0220-A-002
0220-A-001

8. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
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9. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO
Has there been a declaration of interest made on this application?		NO
No Declarations Of Interest Made		