CASE OFFICER'S REPORT

Application Reference:	PL/2023/05858
Application Type:	Lawful development: Proposed use
Site Inspection:	
Consultation ends:	14 July 2023
Case officer:	Mary Warner

Site Address:	Treglisson, 26 Crowe Lane, Freshford, Bath, BA2 7WB
Proposal:	Single storey rear extension and porch to front
Recommendation:	Approve

Site Description:

The host dwelling is a detached property within the village of Freshford. It is not sited within a Conservation Area or a listed building, the property is not subject to an Article 4 Direction and the permitted development rights appear to be intact. The property is however sited within an Area of Outstanding Natural Beauty

Proposal:

The proposal is for a 'Single Storey Rear Extension and the addition of a front porch.'
The application is a certificate of lawfulness application for the above works, submitted under Section 192 (1) of the Town and Country Planning Act 1990, to establish whether the proposed works are lawful.

Section 192(2) of the Act outlines that “if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.” The legislation indicates that in processing Lawful Development Certificate applications the onus is on the applicant to provide sufficiently precise and unambiguous evidence to justify the grant of a Certificate.

In order to assess whether the proposals constitutes permitted development, the proposed works will be considered under Class A 'The enlargement, improvement or other alteration of a dwellinghouse,' and Class D ‘The erection or construction of a porch outside any external door of a dwellinghouse,’ of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Planning History:

W/83/00440/FUL - Extension
Approved with conditions - 07/06/1983
no restrictive conditions

PL/2021/04592 - Conversion of existing integral garage and subdivision of house into two separate dwellings
Approved with conditions - 06/08/2021

The redline around the site location plans indicates that this permission has not been implemented.

Policies:

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), specifically, Class A and of Part 1, Schedule 2 to the Order.

Section 192 (1) of the Town and Country Planning Act 1990

Assessment:

Porch

The proposal would be assessed under Class D of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended):

(a) permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);
(b) the ground area (measured externally) of the structure does not exceed 3 square metres;
(c) any part of the structure is not more than 3 metres above ground level; or
(d) any part of the structure is not within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.; or
(e) the dwellinghouse has not been built under Part 20 of this Schedule (construction of new dwellinghouses

Rear extension

The proposal would be assessed under Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended):

A.1:
a) The dwellinghouse was originally granted permission by a planning application not by the prior approval procedure.
b) The ground covered by buildings within the curtilage would not, as a result of the works, exceed 50% of the total area of the curtilage (excluding the area of the original dwellinghouse).
c) The height of the extension being proposed is less than the highest part of the existing dwelling.
d) The height of the eaves on the proposed enlargement will not exceed the height of the eaves of the existing dwelling.
e) The proposal is to the rear of the property and therefore not on the principal or side elevation fronting a highway.
f) i) The extension projects less than 4 metres from the original rear wall of the dwelling (it is a detached dwelling).
ii) the extension does not exceed 4 metres in height.
g) The extension does not fall within the criteria for a prior notification of larger home extension.
h) The enlarged part of the dwelling is not more than single storey.
i) The eaves height of the extension does not exceed 3 metres.

j) The enlarged part of the dwelling does not extend beyond a side wall.
k) The proposal does not 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 proposal does not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe.
iv) The proposal does not include an alteration to any part of the roof of the dwellinghouse.
l) The dwellinghouse was not built under Part 20 of the General Permitted Development Order (construction of new dwellinghouses)

A.2
The proposal is sited on article 2(3) land however:
(a) it does not 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 enlarge part of the dwellinghouse does not extend beyond a wall forming a side elevation of
the original dwellinghouse (the side elevation from which the proposed extension does project from was granted permission in 1983, therefore is not part of the original house)
(c) The enlarge part of the dwellinghouse is a single storey.
(d) the total enlargement do not exceeds or would exceed the limits set out in sub-paragraphs (b) and (c)

A.3.
(a) The agent has confirmed in an email dated Monday 14th of August that the materials used in the proposed extension will be similar in appearance to those used in the existing dwelling.
b) The proposal is single storey only therefore there are no upper floor side windows proposed.
c) The proposal is single storey only therefore there is no requirement for the roof pitch to be the same as on the original dwellinghouse.

A.4
The proposal is not for prior approval so this section is not applicable.

Consultee Responses:
No consultations undertaken due to the nature of the application.

Community Responses:
No representations received (no consultations undertaken due to the nature of the application).

Conclusion:
The information provided indicates that the proposed porch is considered permitted development under Part 1, Class D of The General Permitted Development Order and the rear extension is considered permitted development under Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Recommendation:

The works constitute permitted development under Class A and D, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended therefore a Certificate of Lawfulness (proposed development) can be granted.

Informatives: (2)

1 This decision relates to the following plans/documents:
Location Plan, Proposed Floor Plan, Proposed Roof Plan and Proposed Elevations all dated 14th of July 2023

2 The proposed development falls within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development Order 2015) as amended)