CASE OFFICER'S REPORT

Application Reference:	PL/2023/06113
Application Type:	Lawful development: Proposed use
Site Inspection:	
Consultation ends:	24 July 2023
Case officer:	Kate Bates

Site Address:	1 Queens Road, Royal Wootton Bassett, Swindon, SN4 8AH
Proposal:	Proposed extension and box dormer
Recommendation:	Approve

Proposal:

The proposal is for a single storey rear extensions and rear box dormer window to this end terrace dwelling within Royal Wootton Bassett.

The loft conversion with dormer window will provide a larger third bedroom and an en-suite and the single storey rear extension will provide a larger kitchen/ dining room.

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.”

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. The Local Planning Authority must be supplied with sufficient factual information to allow the application to be determined. The legislation is clear that without sufficient, precise and accurate information, Local Planning Authorities are justified in refusing a certificate.

In order to assess whether the proposal constitutes permitted development, the proposed works will be considered under Class A 'Enlargement, improvement or other alteration of a dwellinghouse,' and Class B - 'The enlargement of a dwellinghouse consisting of an addition or alteration to its roof', of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Site Description:

The property is situated on the corner of Queens Road and The Rosary in an established residential area within Royal Wootton Bassett. It is not sited within a Conservation Area, or an

Area of Outstanding Natural Beauty, it is not listed or under an article 4 direction. From our available records, the permitted development rights appear to be intact.

Policies:

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

The Town and Country Planning Act 1990 (Sections 191-193).

Planning History:

N/80/01596/FUL - Porch - permission 28/11/1980
PL/2022/04624 - Demolition of garage to construct 2 no. dwellings on land to the side and rear and alterations to existing house - refusal 31/10/2022 - currently appeal in progress
PL/2022/08516 - Demolition of garage to construct 1 no. dwelling on land to the side and alterations to the existing house - permission - 27/02/2023

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).

Assessment:

The proposed single storey rear extension 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 not granted permission for its use 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 part of the dwellinghouse enlarged, improved or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse.
d) The height of the eaves on the part of the dwellinghouse being enlarged would not exceed the height of the eaves of the existing dwellinghouse.

e) The proposed extension is to the rear therefore does not extend beyond a wall which (i) forms a principal elevation of the original dwellinghouse nor does it extend beyond a wall which (ii) fronts a highway and forms a side elevation of the original dwellinghouse
f) The proposal does not extend beyond the rear of the dwellinghouse by (i) more than 3 metres (it is not a detached dwelling) and does not (ii) exceed 4 metres in height.
g) This is not a prior approval larger home extension application, however the proposal does not (i) extend beyond the rear wall of the original dwellinghouse by more than 6 metres (the property is not detached) and does not exceed (ii) 4 metres in height.
h) The proposal does not have more than a single storey therefore the points (i) and (ii) do not apply.
i) The extension does come within 2 metres of the boundary, however the height of the eaves of the extension does not exceed 3 metres.
j) The extension does not extend beyond a wall forming a side elevation of the original dwellinghouse therefore points (i), (ii) and (iii) would not apply.
ja) The proposed extension does not join onto any previous enlargement.
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 installation, alteration or replacement of a chimney, flue or soil and vent pipe.
iv) an alteration to any part of the roof of the dwellinghouse (a dormer is proposed however this will be considered separately later in the report under Class B rather than Class A)
l) the dwellinghouse was not built under Part 20 of this Schedule (construction of new dwellinghoues).

A.2

The proposal is not sited on article 2(3) land therefore the stipulations under A.2 a) to d) do not apply.

A.3 – Conditions

a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse in order to comply with this condition and constitute permitted development. No information was originally submitted with the application regarding existing or proposed materials. The plans show a mixture of styles of windows and patio doors in the existing dwelling. Information has been requested from the agent regarding clarification of the materials and the photographs and communication subsequently received indicates that the walls will be red facing bricks similar to existing and Bi-folds and windows will be upvc brown to match existing (as confirmed by agent email 4th September 2023). Amended plans were received on the 11th September 2023 which indicate the proposed roofing material will be as used on the existing roof of the main dwelling. It is considered that this condition is complied with.
b) There are no upper floor side windows proposed in the extension as it is single storey only, therefore the condition requiring them to be obscure glazed and non opening (unless the opening parts are above 1.7m above internal floor level) would not apply.
c) The enlarged part of the dwellinghouse is not more than single storey therefore the roof pitch requirement condition does not apply.

A.4

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

The loft conversion with dormer window would be assessed under Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended):

B.1

a) Permission to use the dwellinghouse as a dwellinghouse was not granted by the prior approval (change of use) procedure
b) No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof
c) No part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway. The development consists of a flat roof dormer to rear.
d) The cubic content of the resulting roof space does not appear to exceed the cubic content of the original roof space by more than 40 cubic metres (in the case of a terrace house). No volume calculations have been submitted with the application, however, a rough assessment based on the drawings provided indicate that the rear dormer will be approximately 20 cubic metres, which is less than the permitted volume tolerance of 40 cubic metres.
e) The proposal does not consist of or include -
(i) the construction or provision of a verandah, balcony or raised platform, or
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe.
f) The dwellinghouse is not sited on article 2(3) land
g) The dwellinghouse was not built under Part 20 of this Schedule (construction of new dwellinghouses)
h) The existing dwellinghouse has not been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

B.2 Conditions:

a) In terms of whether the materials used in any exterior work will be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse, no information was originally provided regarding the existing or proposed materials. Clarification on this matter has subsequently been sought. Amended plans have been received on the 11th September which indicate that the windows will be brown painted timber or similar which would be similar in appearance to the existing which is noted to be brown painted timber. For information, the use of either timber or upvc in the style proposed given the proposed colour will be similar, would be considered acceptable. There are various styles of windows in the existing dwelling and patio doors. The materials to be used in the dormer cheeks have been stated to be brown concrete hanging tiles similar to the interlocking brown concrete tiles used in the main roof of the existing dwellinghouse. This condition is considered to be complied with.
b) The enlargement will be constructed so that -
(i) (aa) the eaves of the original roof are maintained or reinstated and

(bb) the edge of the enlargements closest to the eaves of the original roof appears to be sited not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
(ii) no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse
c) This condition requires any window inserted on a wall or roof slope forming the side elevation of the dwellinghouse to 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. No upper floor side windows are proposed.

Conclusion:

The proposed single storey rear extension and loft conversion with rear dormer complies with Class A and Class B of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), therefore the works are considered to be permitted development and a Certificate of Lawfulness (Proposed Development) can be issued.

Recommendation:

The proposed single storey rear extension and rear dormer constitutes permitted development under Class A and Class B of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), therefore the Certificate of Lawfulness (Proposed Development) can be issued.

Informatives: (1)

2 This decision relates to the following plans/ documents:

- Revised Proposed Elevations - drawing no. 828/200 Rev A - received 11/09/2023
- Revised Existing Elevations - drawing no. 828/020 Rev A - received 11/09/2023
- Application Form - received 24/07/2023
- Site Location Plan - drawing no. 828/001 - received 19/07/2023
- Existing Site Plan -drawing no. 828/005 - received 19/07/2023
- Proposed Floor Plans - drawing no. 828/100 - received 19/07/2023
- Proposed Site Plan -drawing no. 828/050 - received 19/07/2023

- Existing Floor Plans - drawing no. 828/010 - received 19/07/2023