CASE OFFICER'S REPORT

Application Reference:	PL/2023/07804
Application Type:	Lawful development: Proposed use
Site Inspection:	
Consultation ends:	13 September 2023
Case officer:	Kate Bates

Site Address:	28 Middle Ground, Royal Wootton Bassett, Swindon, SN4 8LJ
Proposal:	Demolition of Conservatory. Proposed Single Storey Side Extension, Garage Conversion, Internal Alterations and All Associated Works
Recommendation:	Refuse

Proposal:

The proposal is for a single storey side extension (following the demolition of an existing conservatory), a garage conversion and internal and associated alterations. The host dwelling is a modern detached property within Royal Wootton Bassett.

The plans indicate that the side extension will be 4 metres in height, just under 2.5 metres to eaves with a gable pitch roof, the extension measures approximately 3.5 metres in width. The floor plans indicate the extension will have two office rooms. The garage will be converted into a snug/ remodelled kitchen and a gym. The garage door to the front elevation will be removed and replaced with a window, and two existing external doors to the side of the garage will be blocked up to allow for the remodelled kitchen area, and a new external door is proposed into the side elevation towards the front of the garage conversion to serve the gym. Internal alterations are proposed which results in external alterations to the rear elevation where it is proposed to replace existing sliding rear doors and the window which serves the existing kitchen area, with new bi-fold doors.

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 providing them with information satisfying them that the use of 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 order to assess whether the proposals constitute permitted development, the proposed works would be considered under Class A 'Enlargement, improvement of other alteration of a dwellinghouse,' of Part 1, Schedule 2 of the Town ad Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Site Description:

The property is situated within a modern 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.

Planning history research indicates that there are some restrictions to the property's permitted development rights in respect of vehicular accesses, gates/ fences/ walls and means of enclosure, and for extensions and external alterations.

Policies:

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

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

Planning History:

N/76/01636/OL - Residential development of 550 dwellings to accommodate a population of 1550 approximately together with associated and ancillary facilities, including a primary school, public open space, shops, car parking, roads, sewers, stream improvements and a storm water storage area - Refused , allowed on appeal - 05/09/1979

N/85/01112/FUL - Erection of 69 Houses and Bungalows and Associated garages – refused 22/07/1985

N/85/01494/FUL - Erection of 70 no. dwellings and associated garages - permission - 11/09/1985 (condition 4 removes permitted development rights for extensions and external alterations to any building and including the erection of a detached garage)

N/98/01658/FUL - Extension to dwelling and installation of dormer window - permission 08/09/1998

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 side extension and external alterations required for the garage conversion 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).

Planning history research indicates that the permitted development rights for extensions and external alterations have been removed by condition 4 of planning permission reference N/85/01494/FUL. The condition states:

'Notwithstanding the provisions of the Town and Country Planning (General Development) Order, 1977, there shall be no extension or external alteration to any building forming part of the development hereby permitted (including the erection of a detached garage) without the prior grant of planning permission in that behalf.

Reason: In order to safeguard the amenities of the area by enabling the local planning authority to consider individually whether planning permission should be granted for extensions.'

The result of the above condition is that the property would not benefit from permitted development rights to extend or to make external alterations to the dwelling. The permitted development rights associated with Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, do not apply to this property and therefore the proposals require an application for planning permission.

It is noted that the agent has stated on the application form that the proposals have been designed to comply with the requirements of Class A and Class B of the Order, however the proposals do not seem to include the enlargement of the dwelling consisting of an addition or alteration to its roof to which Class B would apply. Regardless of this, these permitted development rights would not be available due to the condition on the original planning permission for the dwelling, which removes permitted development rights for extensions and for external alterations.

Conclusion:

The permitted development rights for extensions and for external alterations to the dwelling would not apply to these proposals, as permitted development rights for extensions and for external alterations have been specifically removed by condition number 4 of application reference N/85/01494/FUL. As such the proposals do not constitute permitted development and an application for planning permission would be required.

Recommendation:

The proposed works do not constitute permitted development due to the removal of permitted development rights for extensions and for external alterations. It is recommended that the certificate of lawfulness be refused as the works do not constitute permitted development and an application for planning permission would be required.

Refusal Reason(s): (1)

1 The permitted development rights for extensions and for external alterations to the dwelling are not available for this property, as permitted development rights for extensions and for external alterations have been specifically removed by condition number 4 of application reference N/85/01494/FUL. As such the proposals do not constitute permitted development and an application for planning permission would be required.

Informatives: (1)

2 This decision relates to the following plans/ documents:

- Application Form, received 13/09/2023
- Proposed Elevations, Section, Floor and Roof Plan, (drawing no. PL01 -28MI, revision D) received 13/09/2023
- Existing Elevations, Section, Floor and Roof Plan, (drawing no. A-001) received 13/09/2023
- Existing Block and Location Plans, (drawing no. A02) received 13/09/2023