# CASE OFFICER'S REPORT

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| **Application Reference:** | PL/2023/09922 |
| **Application Type:** | Lawful development: Proposed use |
| **Site Inspection:** | |
| **Consultation ends:** | 16 November 2023 |
| **Case officer:** | Kate Bates |

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| **Site Address:** | 36 Hart Close, Royal Wootton Bassett, Swindon, SN4 7FN |
| **Proposal:** | Erection of single storey rear extension |
| **Recommendation:** | Approve |

**Proposal**

The proposal is for the 'Erection of a Single Storey Rear Extension' to a modern mid-terrace dwelling in Royal Wootton Bassett.

The proposed rear extension will project approximately 2.5 metres from the original rear wall of the dwellinghouse, is approximately 5 metres wide with a lean to roof containing two rooflights. It is approximately 2.4m to the eaves with a maximum height of approximately 3.4m. The floor plan indicates it will be a garden room and the application form states the materials are to match the existing dwelling.

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.

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

**Site Description**

The property is a modern mid-terrace dwelling constructed in around 2007/2008 on the former St Ivel Site in Royal Wootton Bassett. It is not sited within an Area of Outstanding Natural Beauty, it is not a Conservation Area and the property is not subject to an Article 4 Direction. From researching the planning history of the property it appears that the permitted development rights for extensions and external alterations have not been removed on this plot.

**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/05/02263/OUT Residential and Commercial (B1) Development, Change of Use of Station House to Community Use, New Means of Access, and Associated Works Including Details of Siting, Design & External Appearance for Land Adjacent Listed Brewery Buildings – permission granted 29/5/2007

N/07/00628/FUL Provision of Roads and Associated Landscaping Works – permission granted 4/5/2007

07/03243/REM Residential Development Consisting of 50 Dwellings Along with Garages, Road, Parking and Associated Works (Resubmission of 07/01984/REM) – permission granted 29/2/2008. There are some restrictions on this permission relating to the use of the car ports and garages being limited to the domestic and private needs of the occupier, however there are no permitted development restrictions regarding extensions.

**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 form 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 (in the case of a terrace) and does not (ii) exceed 4 metres in height.
g) The proposal does not (i) extend beyond the rear wall of the original dwellinghouse by more than 6 metres (the property is a terrace) and does not exceed (ii) 4 metres in height. The proposal does not constitute a 'larger home extension'.
h) The proposal does not have more than a single storey therefore the points (i) and (ii) do not apply.
i) The height of the eaves of the extension does not exceed 3 metres as it is within 2 metres of the boundary. The plans indicate the eaves are approximately 2.4 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
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. The extension is heavily glazed like a conservatory, and the agent has stated on the application form that the materials are to match the existing house therefore complying with this condition.
b) There are no upper floor windows proposed 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.

**Conclusion:**

The proposed single storey rear extension complies with the provisions of Class A 'the enlargement, improvement or other alteration of a dwellinghouse', 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 single storey rear extension constitutes permitted development under Class A 'the enlargement, improvement or other alteration of a dwellinghouse' 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.

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**Informatives:** (1)

2 This decision relates to the following plans/ documents:

- Location and Block Plans, Existing and Proposed Elevations and Floor Plans, drawing no. 01 received 16/11/2023
- Application Form, received 16/11/2023