

SECTION '2' – Applications meriting special consideration

Application No : 10/01849/PLUD

Ward:
**Bromley Common And
Keston**

Address : 25 Keston Gardens Keston BR2 6BL

OS Grid Ref: E: 541430 N: 164575

Applicant : Mr And Mrs Hillman

Objections : YES

Description of Development:

Two storey rear extension and conversion of garage to habitable room.
CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT.

Proposal

The application seeks a certificate of lawful development for a proposed two storey rear extension and the conversion of the garage into a habitable room.

Location

- The application site is a two storey detached dwelling located on the eastern side of Keston Gardens.
- The road is fronted by similar properties on similar sized plots, with the majority of the properties built along a staggered building line along the road.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- distance between 24 and 25 Keston Gardens will be less than 1 metre;
- eaves of roof of 25 Keston Gardens cause distance between 24 and 25 to decrease further;
- bedroom extension has a bow window which will protrude beyond 3 metres;
- original roof has a flue and soil and vent pipes which will have to be altered when the new roof is installed;
- extension is within 2 metres of the boundary and exceeds 3 metres in height;

- proposed two storey rear extension is more than one storey and extends beyond the rear wall of the original dwellinghouse by more than 3 metres.
- applications do not comply with the General Permitted Development order 2008 and therefore are not considered lawful development.

The full texts of the correspondence received relating to this application are available to view on file.

Planning Considerations

The application firstly requires the Council to consider whether the extension would be classified as permitted development under Class A, Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended) and, secondly, whether the proposed garage conversion would constitute development under section 55, part III of the Town and Country Planning Act 1990, as amended or whether it would result in a material change of use.

Members will appreciate that Lawful Development Certificates are a legal determination based upon factual information. It is therefore not possible to take into account comments or other considerations related to the normal planning merits of the case.

Planning History

A single storey rear extension was granted permission and built in 1971 in order to extend the dining room.

Under ref. 08/00766, an application was submitted for a part one/two storey front and rear extensions, however, this was later withdrawn.

A part two storey/first floor front extension was then refused under ref. 09/00966 and subsequently dismissed at Appeal.

Under ref. 09/03185, an application for a part one/two storey rear extension was submitted and later withdrawn.

Conclusions

Assessment

With regard to the proposed two storey rear extension;

- The total area of ground covered by the proposed extension would not exceed 50% of the total area of the curtilage, nor would the extension exceed the eaves or roof height of the existing dwelling.

- The enlarged part of the dwellinghouse would not extend beyond a wall which fronts a highway and forms either the principal elevation or a side elevation of the original dwellinghouse.
- The enlarged part of the dwellinghouse would have more than one storey and would extend beyond the rear wall of the original dwellinghouse by more than 3 metres. It would not be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.
- 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 enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation of the original dwellinghouse.

The development proposed does not consist of or include any of the following:

- a veranda, balcony or raised platform;
- a microwave antenna;
- a chimney, flue or soil and vent pipe;
- an alteration to any part of the roof of the dwellinghouse.

Furthermore, the applicants have stated that the roof tiles, facing bricks, doors and windows will all match the existing.

Having regard to the above, the proposed two storey rear extension would not fall under permitted development as:

- (1) The enlarged part of the dwellinghouse would have more than one storey and would extend beyond the rear wall of the original dwellinghouse by more than 3 metres; and
- (2) 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.

With regard to the proposed conversion of the garage into a habitable room, the proposal would not involve any external alterations and there would be no material change of use.

The proposal would therefore not constitute development under section 55, part III of the Town and Country Planning Act 1990, as amended.

The two storey rear extension, as proposed, would not be permitted by virtue of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended) and the certificate should therefore be refused.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/01849, excluding exempt information.

RECOMMENDATION: CERTIFICATE BE REFUSED

The proposed development is not permitted by virtue of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended) because:

- (1) The enlarged part of the dwellinghouse would have more than one storey and would extend beyond the rear wall of the original dwellinghouse by more than 3 metres; and
- (2) 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.

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