

SECTION '2' – Applications meriting special consideration

**Application No :** 10/01847/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:**

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

Update

The application was deferred from plans sub committee on the 9th September 2010 for clarification of the measurements of the roof and the extension. Subsequently, the applicant has submitted a supporting letter (dated 15th September 2010) stating that the "eaves extend beyond the 4 metres by approximately 10cm" and have made reference to the recent DCLG publication 'Permitted Development for Householders: Technical Guidance' (August 2010) which considers this scenario and states that:

Measurement of the extension beyond the rear wall should be made from the base of the rear wall of the original house to the outer edge of the wall of the extension (not including any guttering or barge boards) (p.16).

The relevant section of the DCLG guidance is attached for Members information.

Furthermore, the applicants have confirmed that the extension meets the height criteria in A.1(g), Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 in that the height of the eaves, as measured how the Technical guidance sets out, is 2.953m.

**Proposal**

The application seeks a certificate of lawful development for a proposed single storey rear extension and conversion of garage to 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;
- the roof and eaves of the extension extends beyond the dwellinghouse by more than 4 metres;
- the proposed single storey rear extension is within 2m of the boundary and exceeds 3 metres in height;
- applications do not comply with the General Permitted Development order 2008 and therefore are not considered lawful development.
- the proposed single storey rear extension is within 2m of the boundary and exceeds 3m in height.
- plans for the conversion of the garage to a habitable room show a garage door and no window and an external door and no internal door.
- why is planner's conclusion that there will be no external alterations?
- No. 25 is built on land much higher than neighbours.

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.

## **Conclusion**

With regard to the proposed single 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 a single storey and would extend beyond the rear wall of the original dwellinghouse by no more than 4 metres.
- N.B. This measurement is taken from the base of the rear wall of the original house to the outer edge of the wall of the extension as is set out in the DCLG Permitted development for householders: Technical guidance (August 2010) .
- It would also be less than 4 metres in height.
- 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 not 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:
  - o a veranda, balcony or raised platform;
  - o a microwave antenna;
  - o a chimney, flue or soil and vent pipe;
  - o an alteration to any part of the roof of the dwellinghouse.

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

Having regard to the above, the proposed single storey rear extension would fall under permitted development.

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 development, as proposed, would 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 be granted.

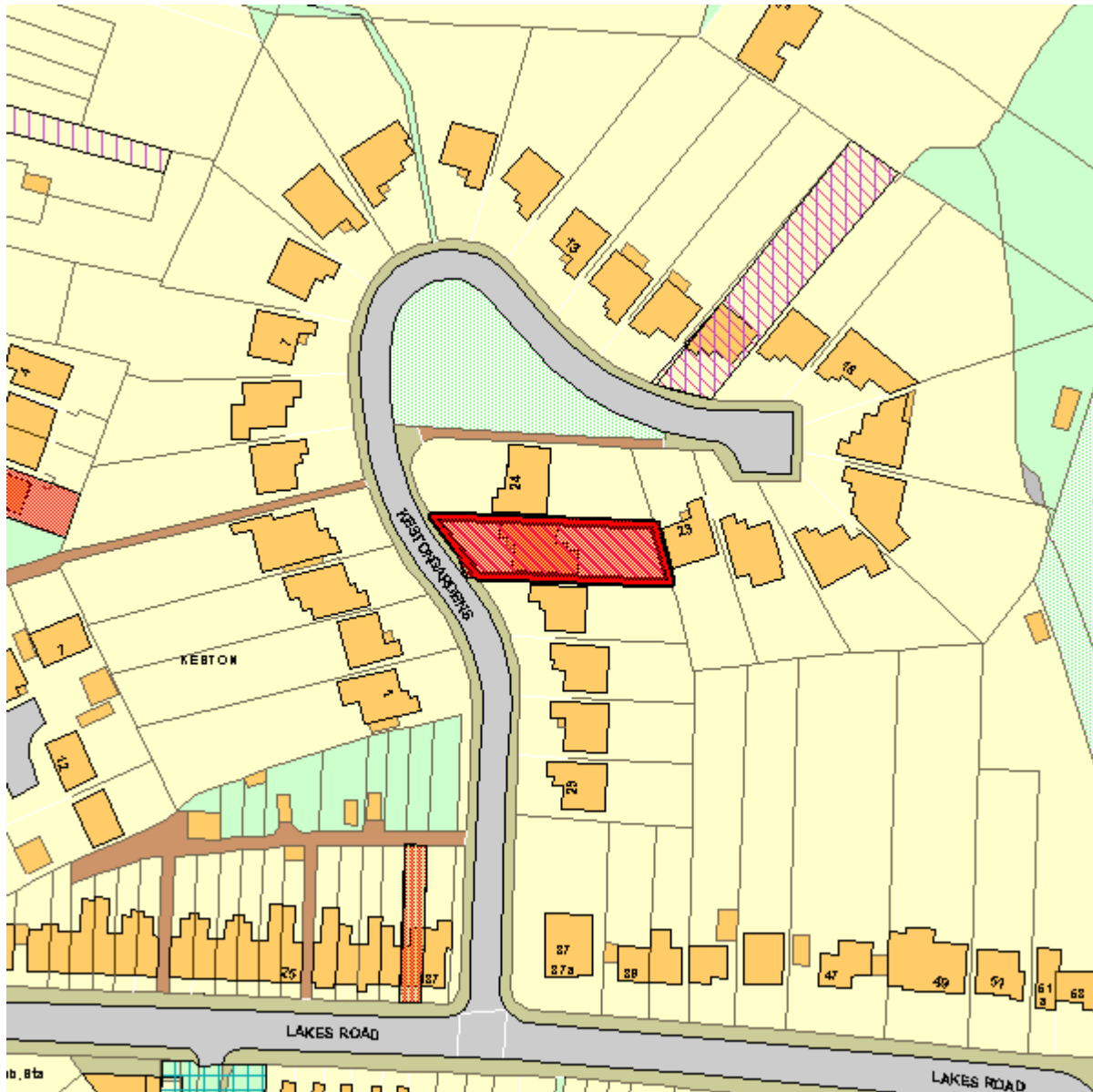
Background papers referred to during production of this report comprise all correspondence on file ref. 10/01847, excluding exempt information.

as amended by documents received on 15.09.2010

**RECOMMENDATION: CERTIFICATE BE GRANTED**

- 1 The proposed development is permitted by virtue of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended).

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Proposal: Single storey rear extension and conversion of garage to habitable room.  
**CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT**



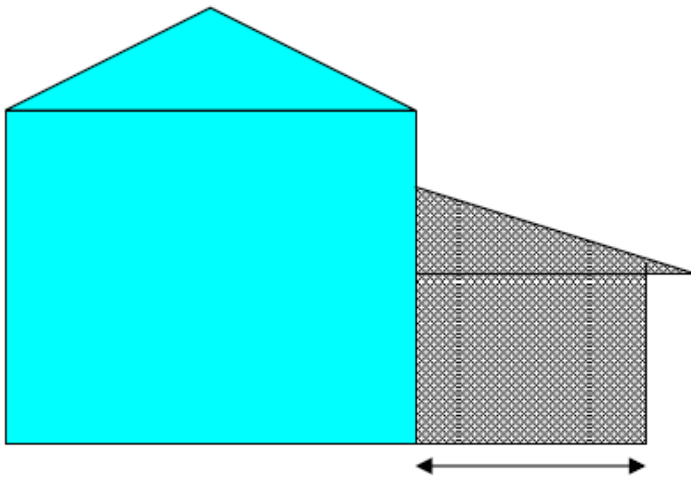
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**(e) the enlarged part of the dwellinghouse would have a single storey and:**

- (i) extend beyond the rear wall of the original dwellinghouse by more than four metres in the case of a detached dwellinghouse, or three metres in the case of any other dwellinghouse or**
- (ii) exceed four metres in height**

A single-storey extension must not extend beyond the rear of the original house by more than four metres if a detached house, or by more than three metres in any other case. In both cases, the total height of the extension must not be more than four metres. The rear wall or walls of a house will be those which are directly opposite the front of the house.

Measurement of the extension beyond the rear wall should be made from the base of the rear wall of the original house to the outer edge of the wall of the extension (not including any guttering or barge boards).



Measurement of 'extend beyond a rear wall' when the extension is directly attached to the rear wall