

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 12/01118/PLUD

Ward:
Biggin Hill

Address : 29 Jail Lane Biggin Hill TN16 3SE

OS Grid Ref: E: 541998 N: 159541

Applicant : Mr Peter Tatam

Objections : NO

Description of Development:

Detached garage CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Local Distributor Roads

Proposal

The application site is a residential property and part of the rear garden and is presently occupied by a detached structure. This is situated at the back part of the rear garden and is accessible via an access drive. This proposal will result in the existing structure being lowered to a maximum height of 2.5m with a resulting flat roof design. Confirmation is sought by the applicant that this constitutes Permitted Development.

The existing structure is subject to enforcement action, having been refused by the Council and dismissed at appeal.

Location

The site is within the rear garden of the application property which is accessible via an access drive located off Jail Lane.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and at the time that this report was drafted no representations had been received.

Comments from Consultees

Not applicable

Planning Considerations

Class E of Part 1 of the Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 (as amended, 2008)

Planning History

Planning approval for the existing structure has previously been sought under refs. 10/01889 and 11/02419 and both applications were refused by the Council and dismissed at appeal.

Conclusions

The applicant has sought the view of the Council as to whether the amended building design constitutes lawful development under the terms of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (The "GPDO").

Given that this proposal relates to a Certificate of Lawfulness, this scheme cannot be assessed against its planning merits, but rather as to whether it accords with the provisions of Class E development within the GPDO.

The proposal is considered to comply with the GPDO on the basis that:

- the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) will not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- no part of the structure would be situated on land forward of a wall forming a principal elevation of the original dwellinghouse;
- the structure would have no more than one storey;
- the structure would not exceed 2.5 metres in height, being situated within 2.0m metres of the boundary of the curtilage of the dwellinghouse;
- the height of the eaves of the structure would not exceed 2.5 metres;
- the structure would not be situated within the curtilage of a listed building;
- and the proposal would not include the construction or provision of a veranda, balcony or raised platform
- the proposed structure by reason of its size, design and layout will be incidental to the enjoyment of the dwellinghouse

Taking the above into account it is considered as a matter of fact that the proposal accords with Class E criteria.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/01889, 11/02419 and 12/01118, excluding exempt information.

RECOMMENDATION: CERTIFICATE BE GRANTED

- 1 The proposal constitutes permitted development under Class E of Part 1 of the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended, 2008).

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