

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

Application No : 12/01827/PLUD

Ward:
Farnborough And Crofton

Address : 9 Nutfield Way Orpington BR6 8EU

OS Grid Ref: E: 543504 N: 165686

Applicant : Mr S Theverajah

Objections : YES

Description of Development:

Two storey rear extension, single storey side extension and alterations to roof to incorporate rear dormer. CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT

Key designations:

Flood Zone 2
Historic Flooding

Proposal

To be considered jointly with application ref. 12/02235.

A Certificate of Lawfulness for a Proposed Development is sought in relation to the following works:

- single storey side extension;
- two storey rear extension; and
- alterations to the existing roof to incorporate a rear dormer

Location

The site is situated along the north western side of Nutfield Way which comprises of one- and two-storey detached houses.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and the following comments were received:

- proposed roof extension is out of character with surroundings

- site is on a prominent bend and third floor will dwarf neighbouring properties, and also result in overlooking and loss of privacy in respect on neighbouring properties
- loss of light
- overshadowing
- proposal will accentuate drainage problems
- oversized development, of character with surroundings
- numerous applications have been submitted for this property
- proposal will accentuate parking demand in the area
- adverse impact on adjoining Conservation Area
- disturbance will result from building works

However, it should be noted that only comments relating to the legal merits of the application can be considered and this is made clear in the notification letters.

Comments from Consultees

Not applicable

Planning Considerations

Classes A, B and C of Part 1 of the Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 (as amended)

Planning History

Planning applications for extensions have previously been refused under refs. 07/00912, 08/02670. More recently, applications for Certificates of Lawfulness have been submitted under refs. 12/00713 and 12/02235. The latter application is considered alongside this one in this committee agenda, whilst the former is the subject of an appeal.

Conclusions

The application requires that the Council formally consider whether the proposed works constitute lawful development under the terms of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) [GPDO]. Accordingly, the planning merits of the proposal cannot be considered, including any public comments.

With regard to the restrictions set out in the GPDO, the proposed side extension would not have a width greater than half the width of the original dwellinghouse. In addition, the height of the extension would not exceed 4 metres; and the extension eaves would not exceed the height of the eaves of the existing dwelling, or exceed 3.0m in height.

With regard to the two storey rear extension this would extend 3.0m in depth and would not be within 7.0m of the boundary of the curtilage of the dwellinghouse opposite its rear wall. Furthermore, it would maintain a minimum separation of

2.6m from either flank boundary, and the combined footprint of the side and rear extensions would not exceed 50% of the total area of the curtilage of the dwellinghouse (other than the original dwellinghouse).

With regard to the roof additions (including the rear dormer and roof above the two storey extension) these are considered Permitted Development on the basis that their cumulative volume will not exceed 50 cubic metres. In respect of other provisions of the GPDO no part of the proposal exceeds the highest part of the existing roof, and the roof will not extend beyond the plane of the existing principal roof slope. Both side dormer windows will be obscure glazed and fixed shut. The front rooflights are considered to constitute Class C development on the basis that these would not protrude more than 150mm above the roof slope.

In summary, the Certificate of Lawfulness should be granted as the proposals comply with Classes A, B and C of the GPDO.

Background papers referred to during production of this report comprise all correspondence on files refs 07/00912, 08/02670, 12/00713, 12/01827 and 12/02235, excluding exempt information.

RECOMMENDATION: CERTIFICATE BE GRANTED

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

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