

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

Application No : 12/03275/PLUD

Ward:
Penge And Cator

Address : 2 Cottingham Road Penge London SE20
7PT

OS Grid Ref: E: 535655 N: 170070

Applicant : Mr M Keso

Objections : NO

Description of Development:

Single storey outbuilding to rear. CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds

Proposal

A Certificate of Lawfulness is sought for the construction of a single storey outbuilding to the rear of No. 2 Cottingham Road which is an end of terrace two storey single family dwellinghouse. The proposed outbuilding would be 12.63m in depth, 5.3m in width and would be no more than 2.5m in height to the eaves of the flat roof. The outbuilding has been described by the applicant as a 'proposed new garage to contain up to 4 no. car parking spaces for use incidental to the enjoyment of the dwellinghouse at 2 Cottingham Road' indicating the use would be incidental to that of the main dwelling.

This application has been "called-in" to Committee by a Ward Member.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and no representations were received.

Comments from Consultees

A consultation with the Council's Legal Division has been undertaken, the results of which shall be reported verbally.

Planning Considerations

A Certificate of Lawfulness application for the construction of an outbuilding at a residential dwelling must be considered against Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended).

Matters relating to the planning merits of the proposal are not relevant in this determination.

Planning History

In 2008, under planning ref. 08/04151, permission was refused for the change of use of rear garden area to car park for 7 cars for use by premises at 197-199 High Street on the following grounds:

“The proposed use of this land as a car park would be seriously prejudicial to the amenity of the occupiers of those dwellings adjoining the site by reason of noise and general disturbance associated with such a use and thereby contrary to Policies BE1 and ER8 of the Development Plan.

The proposal involves the unsatisfactory severance of the existing rear garden of 2 Cottingham Road, leaving inadequate amenity space provision about the dwelling that would be out of character with the area and contrary to Policy BE1 of the Unitary Development Plan”.

This was subsequently dismissed on appeal.

Conclusions

The proposed outbuilding is considered to be permitted development as it complies with all of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended) including the following:

- the building would be used for a purpose incidental to the enjoyment of the dwellinghouse (this has been confirmed on the plans);
- as a result of the works, the total area of ground covered by buildings within the curtilage of the dwelling-house (excluding the original dwelling-house) would not exceed 50% of the total area of the curtilage (this has been confirmed on the plans);
- the proposed outbuilding would not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- the building would be no more than one storey;
- the outbuilding would not exceed 2.5m in height to the eaves given its location within 2m of the boundary;
- the development would not consist of or include the construction or provision of a veranda, balcony or raised platform;
- it does not relate to a dwelling or microwave antenna;

- the application site is not located within a World Heritage Site; a National Park; an Area of Outstanding Natural Beauty; or The Broads.
- the application site is not a listed building nor within article 1(5) land.

This proposal complies with all aspects of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended) and as such constitutes permitted development.

Having regard to the above and taking into consideration that the planning merits of the proposal will not be a determining factor in the case, Members are advised that the works will fall within the tolerances of permitted development. Accordingly, it is recommended that a Certificate of Lawfulness be granted.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/03275, excluding exempt information.

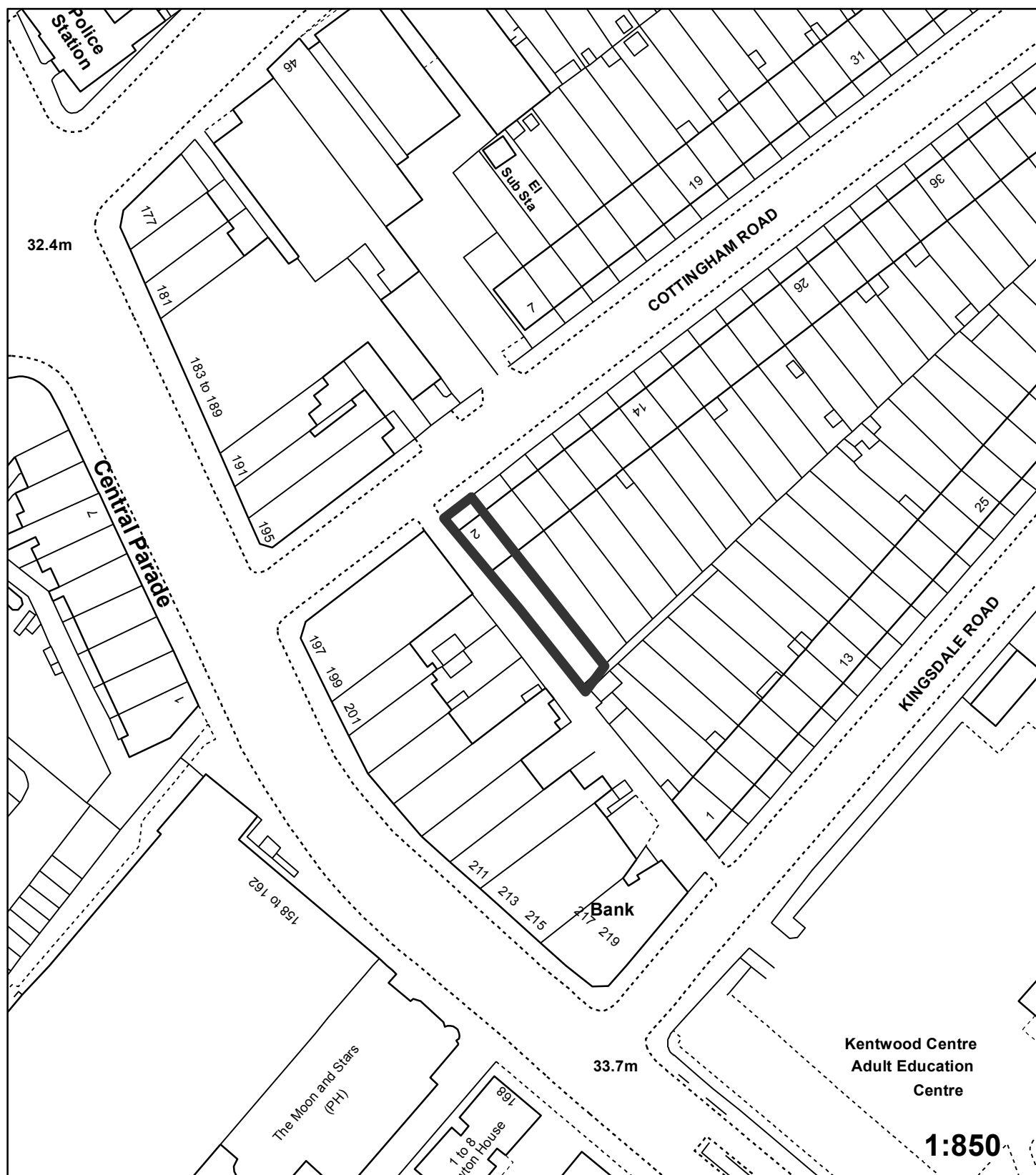
RECOMMENDATION: CERTIFICATE BE GRANTED

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

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"This plan is provided to identify the location of the site and
should not be used to identify the extent of the application site"

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