

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

Application No : 19/00034/PLUD

Ward:
Petts Wood And Knoll

Address : 40 Manor Way Petts Wood Orpington
BR5 1NW

OS Grid Ref: E: 544466 N: 168136

Applicant : Mr & Mrs Cullern

Objections : NO

Description of Development:

Single storey rear extension and detached garden building
LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)

Key designations:

Smoke Control SCA 4

Proposal

The application seeks a Lawful Development Certificate for a proposed single storey rear extension and a single storey detached building to be built in the rear garden.

The application site is located on the south-eastern side of Manor Way and hosts a semidetached dwelling. The site is located within the Petts Wood Area of Special Residential Character.

The proposed single storey rear extension will have a rearward projection of 3m, will span the width of the host dwelling to measure approx. 7.2m where it adjoins the rear elevation of the host dwelling and approx. 7.3m along the rear elevation of the structure (due to the slight angle of the flank property boundary shared with No.42, and the proposed rear extension will retain a separation of approx. 50mm between the flank elevation of the structure and the property boundary shared with No.42. The roof will be flat with parapet walls, with an eaves height to a maximum of 3m, and an overall height of 4m to the top of the roof lantern features.

The single storey detached building will be set a minimum separation of approx. 500mm away from the rear elevation of the proposed single storey rear extension. This detached structure will be sited adjacent to the property boundary shared with No.42, and will have an overall length of approx. 9m, a width of approx. 2.85m, and will have a flat roof to a maximum height of approx. 2.5m. This structure will form storage/workshop in one part, and a home office/play room in the other section.

Location and key constraints

The application site is a semi-detached dwelling located on the south-eastern side of Manor Way, within the Petts Wood Area of Special Residential Character.

There are restrictions upon 'permitted development' rights at the property due to the adopted Article 4 Direction that covers the Petts Wood Area of Special Residential Character. The Article 4 Direction specifically relates to any alteration or addition to any front roofslope (that facing the public highway) that is currently permitted by Class B or Class C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which would consequently require planning permission.

Consultations

Nearby owners/occupiers were notified of the application and no representations had been received at the time of the report being written. Any comments received will be reported verbally.

Considerations

The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Classes A and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and specifically whether any limitations/conditions of the Order are infringed.

History

A certificate of lawfulness application was refused under reference 18/02453 for Loft conversion with roof alterations and rear dormer on the following ground:

1. The Land at Petts Wood Area of Special Residential Character Article 4 Direction requires planning permission to be sought for any alteration or addition to any front roofslope (that facing the public highway) that would otherwise have been permitted by Class B or Class C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The site is within the area covered by this Article 4 Direction. The front roof slope of the dwellinghouse would be altered by the hip to gable roof enlargement and therefore the proposal would require planning permission.

This refusal has been taken to appeal, and the outcome is awaited.

There has also been a recent refusal of a full planning application for hip to gable loft conversion with rear dormer and front rooflights, under reference 18/05053. The application was refused on the basis of the hip to gable roof enlargement unbalancing the pair of semi-detached dwellings, and the impact it would have upon the ASRC.

Conclusion

There are restrictions upon 'permitted development' rights at the property due to the adopted Article 4 Direction that covers the Petts Wood Area of Special Residential Character. The Article 4 Direction specifically relates to alterations and additions to the front elevation and states in effect that any alteration or addition to any front roofslope (that facing the public highway) that is currently permitted by Class B or Class C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) would require planning permission.

Single storey rear extension

Class A permits the enlargement, improvement or other alteration of a dwellinghouse. In this instance, the proposed single storey rear extension would fall within the scope of Class A. It is considered to be permitted development for the following reasons:

- The property is a single dwellinghouse and has not benefitted from any change of use under class M, N, P or Q.
- The extension will not exceed 50% of the total curtilage of the original house.
- The height of extension will not exceed the height of the highest part of the dwellinghouse.
- The height of the eaves would not exceed those of the original house.
- The proposed extension does not extend beyond a wall that fronts a highway and forms the principal or side elevation of the original house.
- The enlarged part of the dwellinghouse would have a single storey and not extend beyond the rear wall of the original dwellinghouse by more than 3m in depth in the case of a semi-detached dwelling. The depth is shown to be 3m.
- The enlarged part of the dwellinghouse would have a single storey and not would not exceed 4m in height. The roof height is shown to be 4m, to the top of the roof lantern windows.
- The extension is within 2m of a boundary and the eaves height for the extension will not exceed 3m. The height of the eaves is shown to be 3m.
- The proposal does not consist of or include a veranda, balcony or raised platform.
- The proposal does not consist of or include the installation, alteration or replacement of a microwave antenna.
- The proposal does not consist of or include an alteration to any part of the roof of the dwellinghouse.
- The materials proposed for the exterior are indicated to be similar in appearance to those of the exterior of the existing dwellinghouse - plans indicate the walls will be rendered and painted to match the existing.

In conclusion, the proposed single storey rear extension is considered permitted development for the reasons set out in this report.

Single storey detached garden building

The application also requires the Council to assess whether the proposed outbuilding would be incidental to the enjoyment of the main dwellinghouse. The technical guidance under Class E states that common buildings such as garden sheds, other storage buildings and garages can be considered as having a purpose incidental to the enjoyment of the house. The proposed building is shown on the submitted plans as being used for storage/workshop, and a home office/play room which is considered to have a purpose ancillary to and associated with the residential use of the host dwelling.

As such, it is considered that the building could be used as incidental to the main dwellinghouse as required by Class E.

In addition, the single storey detached building is considered to be permitted development for the following reasons as required by Class E;

- The property is a single dwellinghouse and has not benefitted from any change of use under class M, N, P or Q.
- As a result of the works, the total area of ground covered by buildings within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).
- No part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.
- The building would not have more than one storey.
- The eaves height of the outbuilding would not exceed 2.5 metres in height.
- The building would be within 2m of the boundary and the maximum height would not exceed 2.5m.
- The building would not be situated within the curtilage of a listed building.
- The proposal does not include the construction or provision of a veranda, balcony or raised platform and would not relate to a dwelling or a microwave antenna.
- The land is not within -
 - a World Heritage Site,
 - a National Park,
 - an area of outstanding natural beauty, or
 - the Broads
- The land is not article 2(3) land.

It is considered that the use of this building given its size, location and purpose would serve a purpose incidental to the host residential dwelling. In light of the relevant criteria of Class E of the GPDO and on the basis of the application the proposed development is considered permitted development.

The property is located within the Petts Wood Area of Special Residential Character, so the Article 4 Direction for the area does need to be considered, however it is considered that the proposed development is not prohibited by the Direction, which specifically relates to alterations and additions to the front elevation.

Both the single storey rear extension and the single storey detached garden building are to the rear of the host dwelling, therefore both fall outside of the permitted development rights which have been removed.

It is therefore considered that the certificate be granted.

RECOMMENDATION: CERTIFICATE BE GRANTED

- 1 The proposal as submitted would constitute permitted development by virtue of Classes A and E, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).**

