

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 19/01176/ELUD

Ward:
Petts Wood And Knoll

Address : 9 Knoll Rise Orpington BR6 0EJ

Objections: No

OS Grid Ref: E: 545937 N: 166131

Applicant : Mr And Mrs Kunal And Sinnit Datta

Description of Development:

Ground floor infill extension to side, first floor infill extension to rear and elevational alterations (Existing Lawful Development Certificate)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 4

Proposal

A lawful development certificate is sought for a ground floor side infill extension, first floor rear extension, alteration and extension of pitched roof to the ground floor front elevation, removal of two chimneys and elevational alterations.

The ground floor side infill extension has blocked up an existing side entrance, measuring 0.8m in width and 0.7m in depth. The first floor rear extension measures 3.6m in width, 1.6m in depth and 5.6m in height (from ground floor level). The elevational alterations consist of rendering the host dwelling, the enlargement of the front entrance door, the removal and addition of doors and windows to the right side elevation, and alterations to the door to the rear elevation.

Location

The application site comprises a two storey detached dwelling located on the southern side of Knoll Rise, Orpington. The property is not listed and does not lie within any area of special designation.

Consultations

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

Comments from Consultees

Legal (summary): Legal department has been consulted and advise that the development does not constitute permitted development.

Planning Considerations

The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Classes A and G 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.

Planning History

There is no recent or relevant planning history at this site.

Conclusions

Class A:

The area to the front of the ground floor side door, which has been infilled, could have been described as an 'open porch'. This area was set in from the side elevation by approximately 0.7m, thereby resulting in a canopy within the footprint of the existing building. The development has infilled the front of this existing canopy, essentially enclosing the space. It is considered that this would form the enlargement or other alteration of the dwelling, which falls within Class A.

In relation to Class A, development is not permitted by A.1(e) if the enlarged part of the dwelling would extend beyond a wall which (i) forms the principal elevation of the original dwelling; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse. In this case, the flank elevation of the property would not constitute the principal elevation and the elevation does not front a highway. The wall is set in line with the flank elevation and has enclosed the existing covered space. As this space sat behind the flank elevation it is considered to fall within the footprint of the original building. It is therefore considered that this element of the development would comply with the limitations of Class A.

Paragraph A.1 (e) is also relevant with regards to the alteration and extension of the pitched roof to the ground floor front elevation. The Permitted Development Rights for Householders Technical Guidance states that the principal elevation in most cases will be that part of the house which fronts the main highway serving the house. The guidance also sets out that the principal elevation could include more than one wall facing in the same direction - for example, where there is an 'L' shaped frontage. In such cases, all such walls will form the principal elevation and the line for determining what constitutes 'extends beyond a wall' will follow these walls.

In this instance the proposed alteration and extension of the pitched roof to the front elevation will extend beyond a wall which forms the principal elevation of the original dwellinghouse. Therefore this element of the proposal is not compliant with Class A.1 (e) of the GPDO.

The first floor rear extension is not considered to be permitted development under Class A for the following reasons:

Paragraph A.1 (i) states that development is not permitted if 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 exceed 3 metres;

In this instance the rear extension is located within 2 metres of the boundary with No.7 Knoll Rise. The extension is located at first floor with an eaves height of 5.6m. Therefore the proposal is not compliant with Class A.1 (i) of the GPDO.

The rendering of the host dwelling would consist of an improvement or other alteration of a dwellinghouse and is therefore assessed against the relevant conditions of Class A under paragraph A.3 accordingly.

With regards to the rendering of the property paragraph A.3 states that development is permitted by Class A subject to the following conditions:-

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The permitted development rights for householders technical guidance goes on to state that this condition is intended to ensure that any works result in an appearance that minimises visual impact and is sympathetic to existing development.

Prior to the rendering of the host dwelling the property was of a mock Tudor style with framing to the first floor front elevation, exposed brickwork to the ground floor front and white painted render to the side and rear elevations. On this basis, as a result of the light and dark grey painted render and the removal of the timber style framing, the materials used in the exterior work are not of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. It is therefore considered that this element of the development would not comply with the limitations of Class A.

The works also included the enlargement of the front entrance door, the removal of a window and addition of a door and window to the right side elevation, and alterations to the door to the rear elevation. Class A permits the enlargement, improvement or other alteration of a dwellinghouse. In this instance, these alterations to the property are considered to comply with the limitations of Class A.

Class G:

Class G covers alterations such as the alteration or removal of a chimney. In this instance the removal of the chimneys would fall within the scope of Class G, and is considered to constitute Permitted Development.

It is therefore considered that the Certificate should be refused.

as amended by documents received on 14.06.2019

RECOMMENDATION: REFUSE CERTIFICATE FOR EXISTING USE/DEVELOPMENT

for the following reasons:

1. The existing development does not constitute permitted development under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.