

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

Application No : 11/02201/ELUD

Ward:
Petts Wood And Knoll

Address : 5 The Chenies Petts Wood Orpington
BR6 0ED

OS Grid Ref: E: 545304 N: 167431

Applicant : Mr Stuart Bourne

Objections : YES

Description of Development:

Rooflights
CERTIFICATE OF LAWFULNESS FOR AN EXISTING DEVELOPMENT

Key designations:
Conservation Area: The Chenies Petts Wood

Proposal

- The application is for a lawful development certificate to ascertain whether two front roof lights fall within the parameters of permitted development under Schedule 2, Part 1, Class C of the General Permitted Development Order 1995 (as amended).
- The roof lights are located within the original front roof slope and measure approximately 0.9 metres in length and 0.6 metres in width. The projection beyond the roof slope is 75mm.

Location

- The application site is located to the south of The Chenies and is a large, detached family dwellinghouse of a similar size and design to the other properties in The Chenies.
- The property lies within The Chenies, Petts Wood Conservation Area.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- out of keeping with architecture of The Chenies
- create an inappropriate precedent
- roof lights installed within last 6 months
- windows have been installed as part of other works to roof

- not part of planning approval
- over-developed property
- roof lights can only be installed on a stand alone basis
- upset rhythm of roofscape

Planning Considerations

The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Schedule 2, Part 1, Class C of the General Permitted Development Order 1995 (as amended)

Planning History

Planning permission was refused for a two storey side and part on/two storey rear extension in 1989 under ref. 89/02747. This was later allowed on appeal under ref. AP/ 90/04561/HIST.

Planning permission was granted for a single storey rear extension in 1995 under ref. 95/00040.

Planning permission was refused for a side/rear roof extension including front dormer and single storey rear extensions in 2004 under ref.04/01222.

Planning permission was granted for single storey rear extensions in 2004 under ref. 04/02474.

Planning permission was granted for a single storey rear extension and alterations to the roof including rear dormers in 2011 under ref. 10/03286.

Conclusions

Planning permission was granted for a single storey rear extension and alterations to the roof including rear dormers in January of this year under ref. 10/03286. This application included one roof light to the front roof slope. Conditions were attached to this permission which required details of external materials and windows to be submitted to and approved by the local planning authority. Details were submitted and approved in May of this year in relation to what was granted planning permission. The works were subsequently carried out to the property. However, these works included alterations to the front roof slope which did not adhere to the planning permission or the details agreed by way of condition in relation to windows. Two roof lights which were larger and located in a different part of the roof slope were inserted. Concerns were raised and an investigation undertaken. A report recommending enforcement action be authorised was heard at Plans Sub Committee on 9th June and enforcement action was authorised by Members. An Enforcement Notice was issued for failure to comply with a condition was issued 22nd July 2011.

Given that the works to provide the two front roof lights were carried out as part of the same building works to the roof at the rear to provide a loft room, the lawful development certificate should not be granted as the roof lights were installed in

conjunction with roof extensions falling under Class B and as the property falls within a conservation area, works under Class B are not permitted. In any event, the roof lights breach condition 3 of 10/03286 and do not therefore fall within permitted development, as they do not comply with the approved details in relation to this condition.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/03286 and 11/02201, excluding exempt information.

RECOMMENDATION: CERTIFICATE BE REFUSED

- 1 The proposed development is not permitted by virtue of Class C, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) as the works were carried out in conjunction with extensions to the roof, within the conservation area, and contravene condition 3 of permission reference 10/03286.

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