

**Case Officer:** Emma Whitley**Recommendation:** Refuse**Applicant:** Robert Hooke**Proposal:** Certificate of Lawfulness of Proposed Development to replace the flat roof on garage with pitched roof with tiles to match house**Expiry Date:** 31 August 2021

## 1. APPLICATION SITE AND LOCALITY

- 1.1. The application site relates to a one and a half storey detached dwelling constructed from red/ orange brick with white uPVC fenestration under a plain tiled roof. The site is located within Flood Zones 2 and 3 and within 20m of a main river, and is also located on potentially contaminated land.

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks a Certificate of Lawfulness of Proposed Development for the replacement of a pitched roof above the detached garage. The proposed works would result in a maximum roof ridge height of 4m and an eaves height of 2.4m. The roof tiles would match the existing dwelling.

## 3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
61/00380/M	Site and layout for 26 dwellinghouses with garages and accesses	Application Permitted
65/00355/M	Chalet type house and double garage	Application Permitted
97/01900/F	4 roof dormers to create 2 extra bedrooms one with en-suite and new bathroom	Application Permitted
13/00691/F	Proposed two storey side and single storey front extension	Application Permitted
17/00742/F	Demolition of existing garage, erection of new detached dwelling with integral garage, erection of replacement double garage for existing dwelling	Application Refused
18/00848/F	Erection of new detached dwelling with integral garage	Appeal Dismissed (Against Refusal)

#### **4. PRE-APPLICATION DISCUSSIONS**

4.1. No pre-application discussions have taken place with regard to this proposal.

#### **5. RESPONSE TO PUBLICITY**

5.1. Due to the nature of this application, publicity has not been required.

#### **6. RESPONSE TO CONSULTATION**

6.1. Due to the nature of this application, consultation has not been required.

#### **7. RELEVANT PLANNING POLICY AND GUIDANCE**

7.1. Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.2. Planning Practice Guidance (PPG).

#### **8. APPRAISAL**

8.1. The permitted development rights for the property remain intact with regards to the proposed development. As the proposal relates to a detached garage, alterations to the exterior fall under Part 1, Class E.

8.2. Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of Schedule 2 (changes of use);

8.3. As a result of the works, the total of ground covered by buildings within the curtilage of the dwellinghouse would not exceed 50% of the total area of the curtilage;

8.4. The plans are not clear as to whether the garage is set behind the front elevation of the dwelling but it appears from a site visit that the proposed garage is not situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

8.5. The building would not have more than a single storey;

8.6. The height of the building would not exceed 4m in the case of a building with a dual-pitched roof;

8.7. The height of the eaves would exceed 2.5m: the eaves height would measure 2.6m;

8.8. The building is not situated within the curtilage of a listed building;

8.9. The proposal does not consist of the provision of a verandah, balcony or raised platform, microwave antenna or a chimney, flue or soil and vent pipe;

8.10. The dwellinghouse is not built under Part 20 of Schedule 2 (construction of new dwellinghouses);

8.11. The dwelling is not situated on article 2(3) land.

#### **9. PLANNING BALANCE AND CONCLUSION**

9.1. The proposal, as detailed in the information submitted with the application, is considered not to be permitted development under Part 1, Class E for the reasons set out above.

## **10. RECOMMENDATION**

That the proposed development *does* require planning permission.

### **FIRST SCHEDULE**

The replacement of the existing flat roof on the existing garage with a pitched roof with tiles to match house, in accordance with drawing numbers Site Location Plan, Block Plan, PP005 (Proposed Ground Floor Plan), PP-009 (Proposed Elevations).

### **SECOND SCHEDULE**

8 Rectory Close, Wendlebury, OX25 2PG

### **THIRD SCHEDULE**

The eaves of the altered outbuilding would exceed 2.5 metres in height and therefore the proposal would not constitute permitted development under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Case Officer: Emma Whitley

DATE: 25/08/21

Checked By: Nathanael Stock

DATE: 26.08.2021

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