

Case Officer: Tomaz Akhter

Recommendation: Refuse

Applicant: Mr John Preston

Proposal: Certificate of Lawfulness of Proposed Development for a rear dining room extension

Expiry Date: 30 October 2023

1. APPLICATION SITE AND LOCALITY

The application site is a two storey semi-detached property.

The application building is not a listed building.

The application site is not within a designated conservation area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

The applicant seeks a certificate of lawfulness for the erection of a single storey side extension. The enlargement would measure 5.96m depth, 3.78m width, 2.75m eaves height and a total ridge height of 4.25m with a lean to roof.

3. RELEVANT PLANNING HISTORY

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

00/02035/F - Single storey extension to side and rear

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

This application has not been publicised.

6. RELEVANT PLANNING POLICY AND GUIDANCE

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015).

Planning Policy Guidance (PPG).

7. APPRAISAL

Class A – enlargement, improvement or other alteration of a dwellinghouse

Permitted Development rights are still intact at the site.

Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) would be relevant, which states that development is not permitted if certain criteria are not met, assessed as follows:

(a) permission to use the dwellinghouse as a dwellinghouse has **NOT** been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would **NOT** exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) the height of the part of the dwellinghouse enlarged, improved or altered would **NOT** exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would **NOT** exceed the height of the eaves of the existing dwellinghouse;

(e) the enlarged part of the dwellinghouse **would** extend beyond a wall which—

- (i) **DOES NOT** form the principal elevation of the original dwellinghouse; or
- (ii) **DOES NOT** front a highway and forms a side elevation

(i) 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 respect of the majority of what is proposed;

(j) the enlarged part of the dwellinghouse **would not** extend beyond a wall forming a side elevation of the original dwellinghouse,

- (i) exceed 4 metres in height.

The proposed elevations show that the side extension has a eaves height of 2.75m and a total height of 4.25m.

A.3 Development is permitted by Class A subject to the following conditions—

(a) the materials used the exterior work (other than materials used in the construction of a conservatory) will be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The single storey side extension would be situated within two metres of the boundary of the curtilage of the dwellinghouse. As such, the height of the eaves must not exceed 3 metres while the total height must not exceed 4m. The submitted plans the proposal has an eaves height of 2.75m and has a total height of 4.25m.

As such, the submitted plans show that the height exceeds this criterion. The proposal does therefore not comply with criteria (J), (i) of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development Order) 2015 (as amended).

Furthermore, the proposal would abut a previously approved extension creating a wrap around extension. When combined the proposal would represent additions more than half the width of the original dwellinghouse.

8. PLANNING BALANCE AND CONCLUSION

As set out above, the proposed rear extension would not conform to requirement A.1 (j) as set out in Schedule 2, Part 1, Class A of the GPDO 2015, and as such the proposal does not constitute permitted development.

9. RECOMMENDATION

FIRST SCHEDULE

Single storey rear extension in accordance with the following drawings: Site Location Plan, Existing/proposed floor plans, Existing/proposed elevations

SECOND SCHEDULE

13 St Giles Close Wendlebury Bicester OX25 2PZ

THIRD SCHEDULE

The proposed development is not permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the height of the proposal exceeds 4 metres in height and the proposal would adjoin to a previously approved extension and constitute a combined development that is greater than half of the original dwellinghouse.

Case Officer: Tomaz Akhter

DATE: 30/10/2023

Checked By: Paul Ihringer

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