

## 28 SEPTEMBER 2021 PLANNING COMMITTEE

6g PLAN/2021/0818

WARD: Pyford

LOCATION: 43 Balmoral Drive, Maybury, Woking, Surrey, GU22 8EY

PROPOSAL: Certificate of proposed lawful development for proposed rear outbuilding.

APPLICANT: Mrs Y Akram

OFFICER: Emily Fitzpatrick

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### **REASON FOR REFERRAL TO COMMITTEE:**

The applicant is a member of staff at Woking Borough Council.

### **SUMMARY OF PROPOSED DEVELOPMENT**

Certificate of proposed lawful development for proposed rear outbuilding.

### **PLANNING STATUS**

- Priority Places
- SANG
- TBH SPA Zone B (400m-5km)
- TPO Polygons
- Urban Areas

### **RECOMMENDATION**

**GRANT** Certificate subject to conditions.

### **SITE DESCRIPTION**

The application site is a terraced property, one of five properties. The property is designed in brick with a pitched roof form. An external porch serves the front elevation (south west).

### **RELEVANT PLANNING HISTORY**

- DC 0005355      Layout roads and houses (permitted)
- DC 0005109      Layout of roads including NAAFI Land (permitted)
- DC 0005108      Layout of roads. Outline (permitted)

Officers are satisfied that permitted development rights are intact regarding the application site.

### **CONSULTATIONS**

N/A

### **REPRESENTATIONS**

N/A

**PLANNING ISSUES**

1. Planning considerations and policies are not relevant in this context as the purpose of this Certificate of Proposed Lawful Development application is to establish whether an outbuilding complies with the requirements of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The relevant date of the determination of lawfulness is the date of the application (i.e. the GPDO as subsisted at the time of the application).
2. The MHCLG Permitted Development Rights for Householders- Technical Guidance (September 2019) states that Class E encompasses “a large range of other buildings on land surrounding a house. Examples include common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can be properly described as having a purpose incidental to the enjoyment of the house. A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen.”

Class E- Buildings etc incidental to the enjoyment of a dwellinghouse

Permitted development

**E. The provision within the curtilage of the dwellinghouse of-**

- (a) **Any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**
- (b) **A container used for domestic heating purposes for the storage of oil or liquid petroleum gas.**

The proposal is for a rear outbuilding to accommodate storage use, office/ gym, wet room and shed. The proposal would be located within the residential curtilage and therefore would appear to benefit from Class E rights. The detached outbuilding is considered under Article 2, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and would constitute permitted development by virtue of Class E provided the following criteria are met.

**E.1**

- (a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P, PA or Q of Part 3 of the GPDO (changes of use); **Proposal complies.**
- (b) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); **Proposal complies.**
- (c) No part of the building, enclosure, pool or container is situated on land forward of a wall forming the principal elevation of the original dwellinghouse; **Proposal complies.**
- (d) The building would not have more than a single storey; **Proposal complies.**

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- (e) The height of the building, enclosure or container would exceed-
  - (i) 4m in the case of a building with a dual-pitched roof; **Not applicable.**
  - (ii) 2.5m in the case of a building, enclosure or container within 2m of the boundary of the curtilage of the dwellinghouse; **Proposal complies.**
  - (iii) 3m in any other case; **Not applicable.**
- (f) The height of the eaves of the building would exceed 2.5m; **Proposal complies.**
- (g) The building, enclosure, pool or container would be situated within the curtilage of a listed building; **Proposal complies.**
- (h) It would include the construction or provision of a verandah, balcony or raised platform; **Proposal complies.**
- (i) It relates to a dwelling or a microwave antenna; **Not applicable.**
- (j) The development does not relate to a container; **Not applicable.**

### **E.2**

The land within the curtilage of the dwellinghouse is not within an area of outstanding natural beauty, the Broads, a National Park or a World Heritage Site. **E.2 is not applicable.**

### **E.3**

The land within the curtilage of the dwellinghouse is not article 2(3) land. **E.3 is not applicable.**

### Local finance considerations:

- 3. The gross floorspace does not exceed 100 sq.m and therefore the proposal is not Community Infrastructure Levy (CIL) liable.

## **CONCLUSION**

- 4. The operation consists of development within the curtilage of No.43 Balmoral Drive within the meaning of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and complies with the development tolerances set out within Part 1, Class E. The operation would therefore have been granted planning permission by Article 3 of the Order.

## **BACKGROUND PAPERS**

- 1. Site visit photographs taken 09.09.2021

## **RECOMMENDATION**

Permit subject to the following condition(s):

- 01. The operation consists of development within the curtilage of No.43 Balmoral Drive within the meaning of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and complies with the development tolerances set out within Part 1, Class E. The operation would therefore have been granted planning permission by Article 3 of the Order.

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### Informatives

01. The plans relating to the Certificate hereby issued are numbered/ titled:

Location Plan received 19 July 2021

Proposed Block Plan received 7 September 2021

Proposed Floor and Elevations Plan received 16 August 2021

02. The applicant is advised that Council Officers may undertake inspections without prior warning to check compliance with approved plans. Inspections may be undertaken both during and after construction.
03. The applicant is reminded that the outbuilding must be only used for purposes incidental to the enjoyment of the dwellinghouse of No.43 Balmoral Drive, Maybury in order to remain as Part 1, Class E permitted development. The applicant is advised that purposes considered incidental to the enjoyment of the dwellinghouse of No.43 Balmoral Drive, Maybury would not encompass potential normal residential uses, such as separate self-contained accommodation or the use of the outbuilding for primary living accommodation.