

## 5 SEPTEMBER 2017 PLANNING COMMITTEE

6g 17/0723 Reg'd: 15.06.2017 Expires: 10.08.17 Ward: HO  
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**LOCATION:** 5 Morton Close, Horsell, Woking, Surrey, GU21 4TW

**PROPOSAL:** Certificate of Proposed Lawful Development for a single storey side extension

**TYPE:** Certificate of Lawfulness- Proposed

**APPLICANT:** Ms Gillian Laing

**OFFICER:** Claire Simpson

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

The applicant is a Council employee.

### **SITE DESCRIPTION**

The application site is a detached bungalow situated at the end of Morton Close, a cul-de-sac of similar properties.

### **PROPOSED DEVELOPMENT**

The application is for a Certificate of Lawfulness (proposed) for the erection of a single storey side extension including a new soil and vent pipe.

### **PLANNING STATUS**

- Surface Water Flooding
- Thames Basin Heaths SPA Zone B (400m-5km)

### **RECOMMENDATION**

PERMIT the Certificate of Lawfulness for proposed use.

### **PLANNING HISTORY**

None relevant

### **CONSULTATIONS**

Not applicable

### **REPRESENTATIONS**

Not applicable

### **PLANNING ISSUES**

Planning Policies are not relevant in this context as the purpose of this Lawful Development Certificate is to establish whether the proposed development constitutes Permitted Development as per the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The application dwelling has full Permitted Development Rights, is not on article 2(3) land and is not a Listed Building.

The proposed extension falls to be considered against Part 1, Class A and Class G of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). This report will consider the proposed development against the criterion as set out by this Order.

### **Class A – The enlargements, improvements or other alteration of a dwellinghouse**

#### **A.1 Development is not permitted by Class A if-**

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);  
**Proposal complies.**
- (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 exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);  
**Proposal complies.**
- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;  
**Proposal complies.**
- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;  
**Proposal complies.**
- (e) The enlarged part of the dwellinghouse would extend beyond a wall which-
  - (i) Forms the principal elevation of the original dwellinghouse; or
  - (ii) Fronts a highway and forms a side elevation of the original dwellinghouse;**Proposal complies.**
- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and-
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
  - (ii) exceed 4 metres in height;**Proposal complies.**

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(g) Until 30 May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and-

(i) Extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(j) Exceed 4 metres in height;

**Proposal complies.**

(h) The enlarged part of the dwellinghouse would have more than a single storey and-

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

**The enlarged part of the dwellinghouse would not have more than a single storey; therefore (h) is not relevant.**

(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;

**Proposal complies.**

(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-

(i) Exceed 4 metres in height;

(ii) Have more than a single storey, or

(iii) Have a width greater than half the width of the original dwellinghouse; or

**Proposal complies.**

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

**Proposal complies.**

(k) It would consist of or include-

(i) The construction or provision of a veranda, balcony or raised platform,

(ii) The installation, alteration or replacement of a microwave antenna,

(iii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) An alteration to any part of the roof of the dwellinghouse.

**Proposal does not comply but see Class G.**

**A.2.** The dwellinghouse is not on article 2(3) land. Therefore paragraph A.2. does not apply.

**A.3.** 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 plans are annotated accordingly.

**Class G – The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse**

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### A.1 Development is not permitted by Class G if-

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);  
**Proposal complies.**
- (b) The height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or  
**Proposal complies.**
- (c) In the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which –
  - (i) Fronts a highway, and
  - (ii) Forms either the principal elevation or a side elevation of the dwellinghouse**The dwellinghouse is not on article 2(3) land therefore (c) is not relevant.**

### Conclusion:

The proposed single storey side extension including soil and vent pipe falls within the meaning of Classes A and G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development complies with the development tolerances set out within these regulations. The operation would therefore be granted planning permission by Article 3 of the Order in the said Classes A and G.

### **RECOMMENDATION**

It is recommended that the Certificate of Lawfulness for proposed use be **permitted** for the following reason:

- 01. The operation would consist of development within the curtilage of '5 Morton Close' within the criteria of Classes A and G of Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and would comply with the development tolerances set out within Class A. The operation would therefore have been granted planning permission by Article 3 of the Order.

### **Informatives**

- 01. The plans relating to the Certificate of Lawfulness hereby approved are listed below:

Location Plan received 14 June 2017  
Proposed Ground Floor Plan received 14 June 2017  
Existing and Proposed Front Elevations received 14 June 2017  
Existing and Proposed Rear Elevations received 14 June 2017  
Existing and Proposed Side Elevations received 14 June 2017

- 02. The applicant is advised 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;

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- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be:
- (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
  - (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.