

10 DECEMBER 2024 PLANNING COMMITTEE

6b PLAN/2024/0738

WARD: Maybury and Sheerwater

LOCATION: 7 Blackmore Crescent, Sheerwater, Woking, Surrey, GU21 5NP

PROPOSAL: Certificate of Proposed Lawful Development for a single storey rear extension.

APPLICANT: Mrs Ahmad

OFFICER: Hannah Dale

REASON FOR REFERRAL TO COMMITTEE:

The agent for the application is Woking Borough Council.

SUMMARY OF PROPOSED DEVELOPMENT

Certificate of Proposed Lawful Development for a single storey rear extension

PLANNING STATUS

- Urban Area

RECOMMENDATION

Certificate subject to conditions.

BACKGROUND

It should be noted that this application is for a Certificate of Lawfulness following a 'Prior Notification' process specific to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which must be followed when a larger home extension is proposed using 'Permitted Development' right. The previous item also went to Planning Committee on 3rd September 2024.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) requires that, before applicants exercise their 'permitted development' rights for a larger extension (in accordance with the limitations set out), they must submit a Prior Notification application to the LPA before any works commence on site.

The process for the Prior Notification application is set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The LPA must consult the adjoining properties, with a minimum consultation period of 21 days. If none of the owners or occupiers of the adjoining premises object to the proposed development, then the LPA must confirm to the developer that Prior Approval is not required.

If any of the owners or occupiers of the adjoining premises object to the proposed development, then the LPA must assess "*the impact of the proposed development on the amenity of any adjoining premises*". In particular, the LPA must "*take into account any representations*" made as a result of the consultation letter (i.e. not just the objections) and must "*consider the amenity of all adjoining premises, not just adjoining premises which are*

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the subject of representations". The LPA then either grants Prior Approval (either unconditionally or subject to conditions) or refuses Prior Approval.

If the LPA fails to issue a decision within the relevant time period (42 days), Prior Approval is obtained by default.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that the LPA may "*refuse [the] application*" where, in its opinion the proposed development would not be permitted development, or the developer has provided insufficient information to establish that the proposed development would be permitted development.

The recommendation following the previous Committee Meeting was that Prior Approval was not required and therefore the applicant must now apply for a Certificate of Lawfulness to ensure the proposal complies with Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Sections (f) and (g) of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) allows applicants to create a single-storey extension to a house which is not on article 2(3) land or on a site of special scientific interest. It allows an extension to be larger than allowed under paragraph (f), but it must not extend beyond the rear of the original house by more than 8 metres if a detached house, or by more than 6 metres in this case.

However, in both cases, the total height of the extension must not be more than 4 metres. The rear wall or walls of a house will be those which are directly opposite the front of the house.

As Prior Approval was previously sought the proposal intends to comply with part (g).

SITE DESCRIPTION

The application site is a two-storey, mid-terraced property designed in brick under a tiled roof. The property has no previous extensions however, a dropped kerb has been installed.

RELEVANT PLANNING HISTORY

04.09.2024 - Prior notification for a single storey rear extension to extend a maximum depth of 6m, maximum height of 3m and a maximum height of eaves of 2.6m. - COGPDE

0004414 – Layout of Houses – Permitted

Officers are satisfied that permitted development rights are intact for the application dwelling.

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 extension complies with the requirements of Article 3, Schedule 2, Part 1, Class A 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).

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

Permitted development

A. The enlargement, improvement or other alteration of a dwellinghouse

The proposal is for a single storey rear extension. The proposal is considered under Article 2, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and would constitute permitted development by virtue of Class A provided the following criteria are met.

- A.1 Development is not permitted by Class A if -
- (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) 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 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; **Not applicable** or
 - (ii) Fronts a highway and forms a side elevation of the original dwellinghouse; **Not applicable**
 - (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and -

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- (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; **Proposal does not comply (see paragraph (g) and Background section at the start of this report)**
- (ii) Exceed 4 metres in height; **Proposal does not comply (see paragraph (g) and Background section at the start of this report).**

Note: Although the proposal does not comply with (f) because the limitations are exceeded, the proposal is intended to comply with (g) subject to the prior notification application.

- (g) 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; **Proposal complies (6m).**
- (ii) Exceed 4 metres in height; **Proposal complies (2.9m).**

(see Background section above).

Note: This is the criterion which requires the developer to submit an application for prior notification before commencing any works on site

- (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; **Not applicable.**
 - (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; **Not applicable.**
- (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 (2.6m).**
- (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, **Proposal complies.**
 - (ii) Have more than a single storey, or **N/A**
 - (iii) Have a width greater than half the width of the original dwellinghouse. **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 verandah, 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 dwellinghouse**N/A**

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- (l) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Proposal complies.

A.2 The dwellinghouse is not on article 2(3) land.

N/A

Conditions

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 or the existing dwellinghouse; 7 Blackmore Crescent, Sheerwater, Woking, Surrey, GU21 5NP.

- (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 1.7m metres above the floor of the room in which the window is installed

Proposal complies.

- (c) Where the enlarged part of the dwellinghouse has more than a single storey or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable be the same as the roof pitch of the original dwellinghouse.

Proposal complies.

Local finance considerations:

2. The gross floorspace does not exceed 100sqm and therefore the proposal is not Community Infrastructure Levy (CIL) liable.

CONCLUSION

3. The operation consists of development within the curtilage of No.21 Brackenwood Road within the meaning of Article 3, Schedule 2, Part 1, Class A 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 A. The operation would therefore have been granted planning permission by Article 3 of the Order.

BACKGROUND PAPERS

1. Site visit photographs taken 29.10.2024.

RECOMMENDATION

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Permit subject to the following condition(s):

01. The operation consists of development within the curtilage of No.7 Blackmore Crescent within the meaning of Article 3, Schedule 2, Part 1, Class A 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 A. The operation would therefore have been granted planning permission by Article 3 of the Order.

Informatives

01. The plans relating to this application are:

2022.307.002 Location Plan

Submitted to the LPA 11th October 2024

2020.151.003 Block Plan

2022/307.001 Rev B Existing and Proposed Rear Extension Plans and Elevations

Submitted to the LPA 2nd October 2024

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 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;
 - (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be-
 - (i) Obscure-glazing, 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.