

Received Date:	12 October 2021
Expires:	7 December 2021
Application Number:	213215
Site:	Ruscombe Turn, Stanlake Lane, Ruscombe, RG10 0BL
Application:	Application for a certificate of lawfulness for the proposed alterations to existing roof, single storey rear extension, the insertion of 1no. roof light, erection of outbuilding to be used as home office/gym, following demolition of existing outbuilding.

1. Relevant Planning History

Application Number	Proposal	Decision Date	Decision	Relevant Conditions
R/271/61	Additions at rear	28/12/1961	APP	None
R/351/64	Alterations and improvements	31/12/1964	APP	None
1480/72	Extension of garage and kitchen with bedroom over	27/10/1972	C/A	None
21518	Erection of detached double garage	02/05/1984	P/D	None

2. Site Description

Two storey semi-detached dwelling

3. Land/ Property Designations

- There are no listed buildings at the site and the property is not within 'Article 2(3) land' (Town and Country Planning (General Permitted Development) Order 2015).
- The site is not subject to any wildlife or habitat designations.
- The property is within the Green Belt and Countryside.

4. Legislation

Town and Country Planning Act 1990 (as amended)

s.55 Provides that '*development*' includes the carrying out of building operations on land, and '*building operations*' includes structural alterations or additions to buildings.

s.57 Planning permission is needed for all development of land.

s.187a Enforcement for breach of conditions

s.192 Applications for Certificates of Lawfulness of proposed use or development.

s.191 Defines operations as 'lawful' if:

(a) No enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) They do not constitute a contravention of any of the requirements of any enforcement notice then in force.

Town and Country Planning (General Permitted Development) Order 2015 (GPDO)

Article 3 In conjunction with Schedule 2 (Part 1) (Class A) grants planning permission for the "*enlargement, improvement or other alteration of a dwellinghouse*".

Article 4 Provides that the planning authority may give direction to restrict the effect of Article 3.

5. The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

6. Relevant details of the proposal:

Proposed single storey rear extension plus the insertion of 1no. roof light

7. Assessment against legislation:

			Yes	No
s.55	1	Does it constitute development?	√	
s.191	2	Would it be contrary to an enforcement notice?		√
s.187a Art.3 (4)	3	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?		√
Art.3 (5)	4	Are the building operations involved in the construction of the original building lawful?	√	
Art.3 (6)	5	Does it involve the formation, laying out or material widening of a means of access to an existing highway which is a trunk or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons?		√
Art.4	6	Is there an 'Article 4 Direction' in effect for the site?		√
Sch.2 Pt. 1 A	7	Does it consist of enlargement, improvement or other alteration of a dwellinghouse?	√	
A.1(a)	8	Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)?		√
A.1(b)	9	Would the total area of ground covered by buildings (other than the original dwelling) exceed 50% of the total area of the curtilage?		√
A.1(c)	10	Would the height of the part of the dwellinghouse enlarged, improved or altered exceed the height of the highest part of the roof of the existing dwellinghouse?		√
A.1(d)	11	Would 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?		√
A.1(e)	12	Would the enlarged part of the dwellinghouse extend beyond a wall which - (i) fronts the principal elevation of the original house; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse?		√
A.1(f)	13	If the enlarged part of the dwellinghouse is single storey, would it either: (i) extend beyond the rear wall of the original dwellinghouse by more than: 4 metres in the case of a detached dwellinghouse 3 metres in the case of any other dwellinghouse; or		√

			Yes	No
		(ii) exceed 4 metres in height		
A.1(g)	14	For a dwellinghouse not in article 2 (3) land (incl conservation area) if the enlarged part of the dwellinghouse is single-storey, would it either (i) extend beyond the rear wall of the original dwellinghouse by more than: 8 metres in the case of a detached dwellinghouse 6 metres in the case of any other dwellinghouse; or (ii) exceed 4 metres in height NB: As per Para A.4 of Part 1 of for development that exceeds the limits in para A.1 (f) (question 13) but is allowed by para A.1 (g) (question 14) <u>Prior Approval via the 'Neighbours Notification Scheme' is required</u>		√
A.1(h)	15	If the extension would be more than a single storey would it: (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of the rear boundary of the curtilage.	N/A	N/A
A.1(i)	16	Would the enlarged part of the dwellinghouse would be within 2 metres of the boundary with an eaves height in excess of 3 metres?		√
A.1(j)	17	Would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse and: (i) exceed 4 metres in height, (ii) have more than a single storey, or (ii) have a width greater than half the width of the original dwellinghouse		√
A.1(k)	18	Would the development 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 roof of the dwellinghouse.		√
A.2(a)	19	Article 2(3) land (inc. conservation areas): a. Would the development consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles?		√
A.2(b)	20	b. Would the extension extend beyond a wall forming a side elevation of the original dwellinghouse?		√
A.2(c)	21	c. Would the extension have more than a single storey and extend beyond the rear wall of the original dwellinghouse?		√
	22	Would it affect or be within the Root Protection Area of a TPO'd tree? <i>* Does not affect Article 3 permission but separate TPO approval will likely be needed.</i>	*	√

8. Conclusion

The proposed single storey rear extension plus the insertion of 1no. roof light constitutes development and thus requires planning permission. Permission is

available under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, the proposal being in accordance with Schedule 2 (Part 1) (Class A) of the Order.

9. Relevant details of the proposal

Proposed alteration to existing roof

10. Assessment against legislation:

			Yes	No
s.55	1	Does it constitute development?	√	
s.191	2	Would it be contrary to an enforcement notice?		√
s.187a Art.3 (4)	3	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?		√
Art.3 (5)	4	Are the building operations involved in the construction of the original building lawful?	√	
Art.4	5	Is there an 'Article 4 Direction' in effect for the site?		√
Sch.2 Pt. 1 B	6	Does it consist of the enlargement of a dwellinghouse by addition or alteration to its roof?	√	
B.1(a)	7	Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)?		√
B.1(b)	8	Would any part of the dwellinghouse, as a result of the works, exceed the height of the highest part of the existing roof?		√
B.1(c)	9	Would any part of the dwellinghouse, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway?		√
B.1(d)	10	Would the cubic content of the resulting roof space exceed the cubic content of the original roof space by more than: (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case? < 30m³		√
B.1(e)	11	Would it consist of or include: (i) the construction or provision of a verandah, balcony or raised platform? (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe?		√
B.1(f)	12	Is the dwellinghouse on Article 2(3) land? (inc. conservation areas)		√
	13	Would it affect a TPO'd tree? <i>* Does not affect Article 3 permission but separate TPO approval will likely be needed.</i>	*	√

12. Conclusion

The proposed alteration to existing roof constitutes development requiring planning permission. Permission is granted under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, the proposal being in accordance with Schedule 2 (Part 1) (Class B) of the Order.

13. Relevant details of the proposal

Proposed erection of outbuilding to be used as home office/gym, following demolition of existing outbuilding

14. Assessment against legislation:

		Yes	No
s.55	1	Does it constitute development?	√
s.191	2	Would it be contrary to an enforcement notice?	√
s.187a Art.3	3	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?	√
Art.3 (5)	4	Are the building operations involved in the construction of the dwellinghouse lawful?	√
Art.4	5	Is there an 'Article 4 Direction' in effect for the site?	√
Art.4	6	Is it within the curtilage of the dwellinghouse?	√

Fuel storage

Sch.2 Pt. 1 E.b	7	Does the development consist of a container used for the storage of oil or liquid petroleum gas?	N/A	N/A
Sch.2 Pt. 1 E.b	8	Is the storage for domestic heating purposes?	N/A	N/A
E-1(f)	9	Would the capacity of the container exceed 3,500 litres?	N/A	N/A

Outbuildings and pools

Sch.2 Pt. 1 E.a	10	Does the development comprise a building or enclosure, swimming or other pool, or the maintenance, improvement or other alteration of such a building or enclosure?	√	
Sch.2 Pt. 1 E.a	11	Is the building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such?	√	

Fuel storage and outbuildings

E-1(a)	12	Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)?		√
E-1(b)	13	Would the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) exceed 50% of the total area of the original curtilage (excluding the original dwelling)?		√
E-1(c)	14	Would any part of the building, enclosure, pool or container be situated on land forward of a wall forming the principal elevation of the original dwellinghouse?		√
E-1(d)	15	If it is a building would it have more than one storey?		√
E-1(e)	16	Would the height of the building, enclosure or container exceed:		
		(i) Four metres in the case of a building with a dual-pitched roof		√
		(ii) 2.5 metres in the case of a building, enclosure or container within two metres of the boundary of the curtilage of the dwellinghouse?		√

		Yes	No
	(iii) Three metres in any other case?		√
E.1(f)	17 Would the height of the eaves of the building exceed 2.5 metres?		√
E.1(g)	18 Would the building, enclosure, pool or container be situated within the curtilage of a listed building ?		√
E.1(h)	19 Would the development include the construction or provision of a veranda, balcony or raised platform?		√
E.1(i)	20 Would it relate to a dwelling?		√
E.1(j)	21 Would it relate to a microwave antenna?		√
E.3	22 Article 2(3) land (World Heritage Sites, National Parks, AONBs & the Broads): Would any part of the building, enclosure, pool or container be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse?		√
	23 Would it affect or be within the Root Protection Area of a TPO'd tree? <i>* Does not affect Article 3 permission but separate TPO approval may be needed</i>	*	√

15. Conclusion

The proposed erection of outbuilding to be used as home office/gym, following demolition of existing outbuilding, for a purpose incidental to the enjoyment of the dwelling house, constitutes development requiring planning permission. Permission is granted under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, the proposal being in accordance with Schedule 2 (Part 1) (Class E) of the Order.

DRAFT APPROVED



Development Management Team Leader

Date: 03/11/21