



CERTIFICATE OF LAWFUL DEVELOPMENT

REGARDING

SIDE AND REAR EXTENSIONS, ROOF WORKS AND OUTBUILDINGS

AT

24 DELAMERE ROAD, EARLEY

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1. Introduction

- 1.1 This Statement is submitted in support of an application for a Certificate of Lawful Development relating to household extensions and works at 24 Delamere Road, Earley.
- 1.2 The application is required following queries raised by the Case Officer during a now withdrawn planning application (260404). The Case Officer raised concerns that the 'existing plans' when showing previous extensions to the property did not accurately reflect what had previously been approved. In particular the distances of the extensions from the side boundary line appeared different between what was approved and what is on site.
- 1.3 After further investigation it has become apparent that the boundary line in question had been moved by the neighbouring property since the extensions were approved, and this may have influenced the apparent discrepancy. However, in order to provide clarity around the issue, the Certificate is still being applied for, given that there is sufficient evidence to demonstrate that the buildings in question have all been in place for the necessary time period to ensure they are authorised.
- 1.4 The Town & Country Planning Act 1990, Section 171B, advises that where there has been a breach of planning control (such as the household extensions in question not being built in adherence with the approved plans), no enforcement action can be taken after a period of 10 years, beginning with the date on which they were substantially completed.
- 1.5 This Statement will demonstrate why the various extensions have been in place for a period in excess of 10 years, and as a result, whether or not they were built in accordance with the approved plans, enforcement action cannot be taken against them, and the Certificate should be issued accordingly.

2. Site Description and relevant works

2.1 The site at 24 Delamere Road is a semi-detached two storey property with accommodation in the roof. As with other properties on the road it is served by off street parking to the front of the house. Delamere Road is a pleasant suburban street, characterised by semi-detached properties from the mid twentieth century.

2.2 The Certificate being applied for relates to a number of extensions and alterations at 24 Delamere Road. These can be described as follows, and are labelled on Drawings P2609-01, 02 and 03 accordingly;

A – works relating to single storey side and rear extension completed in 2008 (shaded red on drawings)

B – works relating to rear ground floor extension and works to roof and accommodation in the roof completed in 2014 (shaded green on drawings)

C – relating to outbuilding connection/conversion completed in 2008 (shaded blue on drawings)

3. Evidence

- 3.1 The legal standard in considering evidence for a Certificate of Lawful Development is the 'balance of probability'. For the reasons set out below, it is strongly considered that on the balance of probability, the extensions in question have been in place for in excess of 10 years.

Extension A (shaded red on the accompanying plans)

- 3.2 This relates to a side and rear single storey extension. Planning permission was initially granted for a side and rear single storey extension under reference F/2005/5615. However, a subsequent application reference F/2006/8292 was a retrospective application and related to amendments to the earlier 2005 application.
- 3.3 The retrospective application was withdrawn. It is not clear why the application was withdrawn, but it is clear from the description of the submission (it being retrospective) and the plans submitted (included at Appendix A) that the application related to the side and rear extension that is now in place, as shown shaded red on the accompanying plans.
- 3.4 It is recognised that there are some minor differences to what was built and what was shown on the plans, such as a pitched roof is shown over the garage in the 2006 application drawing, but it was actually built with a flat roof. But it is clear that this is the time that such building work was taking place (ie in 2005/2006 because the 2006 retrospective application referred to it). The works actually weren't completed until 2008.
- 3.5 Any difference in the boundary line as shown on the 2006 plans is explained by the current drawings submitted. It has been established that at some point since the side/rear extensions were built, the neighbour cleared planting up to the side of the dwelling and a new boundary line, along the line of the extended dwelling has since been assumed. The current owner can decide how to address the issue of the amended boundary line, but it is not relevant with regards the current application – the relevant point is that the side and rear extension that is now in place was erected over 10 years ago.

- 3.6 Further evidence of the building works being in place by 2008 is provided by Google Earth aerial photography. The below shot was taken in October 2008, as can be verified by Officers reference to Google Earth. The image clearly shows all of the works in place as referred to as part A of the CLD application.



Fig 1 – Oct 2008 Google Earth image (site marked with red star)

Extension B (shaded green on the accompanying plans)

- 3.7 This relates to a ground floor rear extension, now shown as the Dining Room on the plans, presumably carried out under permitted development rights, and the first and second floor roof extensions to introduce additional floorspace on the upper floors.
- 3.8 Planning permission was initially granted for the erection of a first-floor side extension and loft conversion to include a rear dormer window under reference

F/2011/2645. A variation to this consent was then approved under VAR 2013/0059 in 2013 to allow for a larger rear dormer window to the rear elevation. The approved plans are included at Appendix 2.

- 3.9 The approved extension was subsequently built in accordance with the plans and completed in 2014. It is not clear whether any concerns have been made by the Council about the status of the works described as part B, but for the sake of clarity and completeness they are included as part of the Certificate application.
- 3.10 Proof that the works have been in place for longer than 10 years can be obtained via aerial photography. The below image was taken in 2014. Unfortunately, the image is not very focussed, but it is apparent that the dormer is evident plus the hipped roof side first floor extension, and the ground floor rear addition.



Fig 2 - Google Earth Aerial image from 2014 (site marked with red star)

- 3.11 Clarity of the various elements in the 2014 photo can be taken from the much clearer 2017 version below. Whilst recognising that this is taken within the last 10 years, it is consistent with the features from the 2014 image and clarifies what these are;



Fig 3 – Google Earth image from 2017 (site marked with red star)

- 3.12 Further evidence of the works associated with Extensions B being in place by 2014 is provided by an Invoice, associated with the works undertaken. Appendix C includes an Invoice from the builder (H&J Builders Ltd) dated Feb 2014.

Works at C (shaded blue on the accompanying plans)

- 3.13 Once again it is not clear if any concern was raised by Officers to this element of the works undertaken at the site, but for the sake of clarity and completeness it is considered helpful to include as much within the application for the Certificate.
- 3.14 This element of the works relates to the use of a previous outbuilding as part of the house. When the side and rear extensions, as described at B above, were introduced in 2006 to 2008, it resulted in a previous outbuilding being linked with

the extension. Part of the outbuilding was actually removed in order to enable the extension to be built.

- 3.15 Aerial photographs available via Google Earth show that the outbuilding was in place at 2004. Significantly for the purposes of this application, it is apparent from the images in Fig.1 and Fig.2 above, that the building has been in place, and connected with the house, for a period in excess of 10 years.

Additional Evidence

- 3.16 The Applicants in this case have lived at the site for a period in excess of 10 years. It would therefore be possible for them to prepare a letter and/or Affidavit to confirm that the various elements of development on site have been in place for 10 years. Given the comprehensive evidence in terms of the planning history of the site combined with independent aerial photography in this instance, it is not considered that further evidence from the owners is required. If however Officers disagree and require such additional evidence to be persuaded on the matter then this can be arranged upon request.

4. Conclusion

- 4.1 Following Officer comments in response to a recent planning application at the site, detailed research and surveys have been undertaken in order to clarify the status of various extensions and works at 24 Delamere Road.
- 4.2 This Statement has demonstrated that the 3 areas of development highlighted have all been in place and in use for in excess of 10 years, and as a result are immune from enforcement action and are authorised as a result.
- 4.3 The Applicant is not aware of any reason why the Council would dispute the above position, and from all the available evidence it is strongly considered that on the balance of probability, which is the necessary test, the works have been in place for more than 10 years.
- 4.4 If the Council do have any reason to question or dispute this position it is requested that the Agent is notified in order that the Council's evidence can be considered and a response made accordingly.
- 4.5 It is respectfully requested that the Certificate is issued based upon the evidence submitted as part of the application.