DELEGATED REPORT

Recommendation Made: 3 October 2011

Reference:- 11/00732/CLU **Parish:-**

Applicant:- Mr Graham Hubbard
14 Goulton Crescent
Desford
Leicester
Leicestershire

Location:- 14 Goulton Crescent Desford Leicester Leicestershire LE9 9DR

Proposal:- CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT FOR EXTENSIONS AND ALTERATIONS TO DWELLING.

Introduction:-

A certificate of lawful proposed development is sought for the erection of a single storey rear extension at 14 Goulton Crescent, Desford. The application dwelling is a two storey detached property.

Relevant planning history: -

08/00306/FUL - Demolition of no's 33 and 35 and erection of 19 no. dwellings with associated parking and access - Approved - 01.07.2008

Consultations:-

There are no consultations on this type of application.

Development Plan Policies:-

The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Schedule 2, Part 1 'Development within the curtilage of a dwellinghouse,' Class A 'The enlargement, improvement or other alterations of a dwellinghouse.'

Appraisal:-

The main consideration for the determination of this application would be to determine whether the proposed rear extension falls within the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 Schedule 2, Part 1, Class A.

The development of the application dwelling was approved under planning application reference 08/00306/FUL. Condition 5 of this permission states:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1; Classes A to E; shall not be carried out on Plots 5 to 11 inclusive unless planning permission for such development has first been granted by the Local Planning Authority.

The application dwelling is shown as Plot 7 on approved plan 30179 01 Rev. B and Condition 5 therefore applies to this dwelling. The proposed development falls within Schedule 2, Part 1; Class A and therefore permitted development rights have been removed from the application dwelling. As such the application for a proposed lawful development certificate is refused and an application for planning permission is required.

Reasons :-

1 The proposed development falls within Schedule 2, Part 1; Class A of The Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008. Condition 5 of planning permission 08/00306/FUL removes permitted development rights for development within Schedule 2, Part 1; Classes A to E of the said Order. In the absence of permitted development rights the development is not permitted development, and a Certificate of Lawful Proposed Development is not granted.

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