DELEGATED REPORT

Recommendation Made: 10 June 2011

Reference:- 11/00318/CLU **Parish:- Ratby Parish Council**

Applicant:- Mr R Timson
47 Station Road
Ratby
Leicester
Leicestershire

Location:- 47 Station Road Ratby Leicester Leicestershire LE6 0JQ

Proposal:- EXTENSION AND ALTERATIONS TO DWELLING

Introduction:-

A certificate of lawful proposed development is sought for the erection of a single storey, rear extension at 47 Station Road, Ratby. The application dwelling is a two storey, detached house.

This property has permitted development rights in place.

Relevant Planning History: -

86/00761/4 – Single storey rear extension and detached garage – Approved on 21/08/1986

Consultations:-

No consultations

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 Dwelling House".

Appraisal:-

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

The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Development is not permitted by Class A if,

(a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse) - The extensions and alterations would not exceed 50% of the total curtilage.

(b) The height of the part of the dwelling house enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwelling house - The height does not exceed the highest part of the existing dwelling.

(c) 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 dwelling house - The height of the eaves does not exceed the eaves of the existing dwelling.

(d) the enlarged part of the dwellinghouse would extend beyond a wall which: -

(i) fronts a highway, and
(ii) forms either the principal elevation or a side elevation of the original dwelling house

The extension does not front onto a highway and does not form either the principal elevation or side elevation.

(e) the enlarged part of the dwellinghouse would have a single storey and : -

(i) extend beyond the rear wall of the original dwelling house by more than 4 metres in the case of a detached dwellinghouse or
(ii) exceed 4 metres in height;

The extension does not exceed 4 metres in height and the rear outer wall extends 4 metres from the rear wall of the original dwellinghouse. However, the roof rafters and guttering results in the extension extending beyond the rear wall of the original dwellinghouse by 4.3 metres.

In considering an appeal decision (APP/A4710/X/09/2103056) which granted permission for a single storey extension on a semi-detached property with the outside face of its outer wall 3 metres deep with the eaves and gutter projecting further beyond. This appeal decision is a sound indication of the Planning Inspectorates view on the interpretation of the Permitted Development Rights and is considered to need to be addressed in this case.

The proposed roof overhang and guttering is minimal, 0.2m in length x 0.5m in height, does not add significantly to the size of the extension, and does not result in the extension being any higher than it would be without the projection. It is therefore considered that the scheme would be acceptable under this section of the regulations.

(f) the enlarged part of the dwellinghouse would have more than one 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 dwelling house opposite the rear wall of the dwellinghouse;

This criterion is not applicable as the application is for a single storey extension.

(g) the enlarged part of the dwelling house would be within 2 metres of the boundary of the curtilage of the dwelling house, and the height of the eaves of the enlarged part would exceed 3 metres - The eaves does not exceed 3 metres in height within this application.

(h) 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 one storey, or
(iii)have a width greater than half the width of the original dwellinghouse; or

This criterion is not applicable for this application.

It would consist of or include:

(i) The application 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.

This criterion is not applicable for this application.

This application property has not had its permitted development rights removed and as set out above it is considered the proposed development fulfils the criteria under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Conclusion

The proposed extension is permitted development by virtue of meeting the criteria under Schedule 2, Part 1, Class A of the GPDO, and therefore a certificate of proposed lawful development can be granted.

Reasons :-

1 The proposed rear extension is considered to be development permitted under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development)(Amendment)(No 2)(England) Order 2008 subject to conditions set out at paragraphs A.3 of the Order.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

Contact Officer:- Kevin Roeton Ext 5919