

Officer Report

Application No.	Y19/1266/FH
Site Address	29 Links Crescent St Marys Bay Romney Marsh Kent TN29 0RS
Officer Name	Katy Claw
Proposal	Certificate of lawful development (proposed) for a single storey rear extension

Recommendation

Report Number	RD-421241
Recommended Decision	Recommended to be Lawful
Recommendation Date	07 April 2020

Report

Performance data:-

Date application valid: 30.12.2019

Applicable 8/13/16 week target date: 24.02.2020

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) ? Yes

If Yes, revised 8/13/16 week target date: 10.04.2020

Is the application being determined after 26 weeks without a PPA or a PEA? No

SITE

The application site is located with the settlement boundary.

The site is not located within any Article 2(3) land.

The application building is a detached single storey dwelling located in the residential estate of Links Way. The property is of flat-roofed design (a character of the estate) and is finished in light render.

HISTORY

Y19/0303/FH – Erection of two single storey front/side extensions and erection of a single storey rear extension together with conversion of integral garage to form additional living accommodation. Refused on the grounds that the front extensions would be harmful to the design and character of the dwelling and the Links Crescent estate as a whole.

PROPOSAL

This application seeks a proposed lawful development certificate for the erection of a flat-roofed single storey rear extension.

CONSULTATION RESPONSES

None required

REPRESENTATIONS

None required

PUBLICITY

None required

RELEVANT POLICIES

Not applicable

APPRAISAL

In order to be constructed under permitted development the rear extension must fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Part 2, Class A.1:

- a) N/A – The dwelling was built for the sole purpose of being used as a dwelling and no changes of use have taken place.
- b) The proposed works will not result in the total ground area covered by buildings exceeding 50% of the total area of the curtilage of the original dwellinghouse.
- c) The height of the proposed extension will not exceed the height of the highest part of the roof of the existing dwelling.
- d) The height of the eaves of the proposed extension will not exceed the height of the eaves of the roof of the existing dwelling.
- e) The proposed extension will not extend beyond a wall which-
 - (i) forms the principle elevation of the existing dwelling
 - (ii) fronts a highway and forms a side elevation of the existing dwelling
- f) The proposed extension will be single storey and -
 - (i) the extension will not extend beyond the rear wall of the existing dwelling by more than 4 metres
 - (ii) the extension will not exceed 4 metres in height
- g) N/A
- h) N/A - the proposed extension is single storey.
- i) The proposed extension is within 2 metres of the boundary of the curtilage but the height of the eaves will not exceed 3 metres. The dwelling is approximately 2.7m in height.
- j) N/A - The enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation
- ja) The extension would not be joined to any other existing enlargements of the original dwellinghouse
- k) The development does not involve the provision of a raised platform, microwave antenna, chimney, flue or soil and vent pipe and will not involve an alteration to any part of the roof of the dwellinghouse.

Part 2, Class A.2:

N/A - The application site not is located within Article 2(3) land.

Part 2, Class A.3:

a) The material to be used in the exterior work of the extension would consist of render and uPVC fenestration to match that used in the main dwelling.

b) N/A

Other notes

The proposed elevation plans submitted as part of this LDC show solar panels on the roof. These solar panels were not included in the description given by the applicant within the submitted application form and therefore have not been considered as part of this LDC.

The given description under point 4 of the submitted application form says 'rear extension to the original property to add an additional bedroom, move existing bathroom and move utility room (moving bathroom and utility room to create more open plan space in the original dwelling). Flat roof extension of existing dwelling to be extended over the rear extension. Original rendering on the dwelling to be carried along the rear extension. Similar style white uPVC windows to be placed in the rear extension. Extension, layout and size all shown on proposed floor plans. (No increase in height, elevation remains the same).

Point 5 of the form sets out why the applicant considers the works to be permitted development (PD).

The applicant has stated 'the rear extension falls within permitted development as the rear extension only comes out 3.3m, does not take up more than 50% of the land around the original property and is only a ground floor extension with a flat roof not going over the height limit when next to neighbouring properties'.

Part 14, Class A of the GPDO refers to the installation or alteration etc of solar equipment on domestic premises.

Class A.1(b) says that development is not permitted if it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney).

Given that this dwelling is flat-roofed, any solar PV equipment would extend higher than the highest part of the roof and therefore would not be PD under Class A.1(b).

The applicant has not included the solar PV equipment in their description, the solar PV equipment did not therefore form part of the Council's LDC description and as a result, the solar equipment was not a factor in the determination of this LDC.

The applicant is to note that any solar PV equipment that protrudes above the roof would require planning permission.

RECOMMENDATION

In light of the above, the proposed rear extension falls within the definition of permitted development and a certificate should be issued.

Case Officer:

Report and draft decision notice completed and passed to senior officer.

Name: Katy Claw Position: Planning Officer Date: 07.04.2020

Report and draft decision notice amended (if appropriate)

Name: Position: Date:

Senior Officer

Report not agreed. Details of further work required as follows:

Name: Position: Date:

Report and draft decision notice agreed and file passed to admin to issue decision.

Name N/A Position: Date:

Suggested Informatives (2)

1

From the information provided on the submitted site location plan received 5th November 2019 together with the proposed floor plans and proposed elevations (x2), received 27th December 2019, the proposed single storey rear extension constitutes permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2

The solar PV equipment as shown on the proposed elevations did not form part of the description given by the applicant on the submitted application form and therefore does not form part of the Council's assessment of this Lawful Development Certificate. Any solar PV equipment that is higher than the highest part of the roof is not permitted development as set out under Part 14, Class A.1(b) of the GPDO 2015 and planning permission would be required.