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| Agenda Item A17 | Committee Date 11 December 2017 | Application Number 17/01315/PLDC |
| Application Site 46 Shrewsbury Drive Lancaster Lancashire LA1 4BA | | Proposal Proposed Lawful Development Certificate for the erection of a single storey rear extension |
| Name of Applicant Mr & Mrs S. Metcalfe | | Name of Agent Building Plan Services |
| Decision Target Date 18 December 2017 | | Reason For Delay |
| Case Officer | | Mr Brian Sheasby |
| Departure | | No |
| Summary of Recommendation | | Planning Consent is not required and a Lawful Development Certificate for a Proposed Use or Development should be issued |

(i) Procedural Matters

The application is one which would normally be dealt with under delegated powers but is required to be placed before the Planning and Highways Regulatory Committee as the applicant is an employee of the City Council.

1.0 The Site and its Surroundings

- 1.1 The application property is a semi-detached mid-20th century dwellinghouse constructed with external facings of brick to the ground floor and dashing to the first floor under a hipped tiled roof. It forms part of a larger development of similarly designed and finished residential properties in the Bowerham suburb of Lancaster.
- 1.2 There are no statutory development restrictions affecting the property. Specifically, it is not situated within Article 1(5) Land; (in Lancaster this means a Conservation Area or Area of Outstanding Natural Beauty) and is not subject to an Article 4 Direction or the removal by condition of householder permitted development rights.

2.0 The Proposal

- 2.1 This is not a planning application but an application for a Lawful Development Certificate for a Proposed Use or Development (PLDC). PLDC applications seek to establish whether a building, use or activity is 'permitted development' under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). If it is considered to be 'permitted development' (and thus, does not require express planning permission), then a Certificate is granted to confirm this. It is purely a determination as to whether the proposal complies with the provisions of the aforesaid Order.
- 2.2 In this particular case the applicant has submitted a PLDC to ascertain whether the erection of a small, single storey, rear extension requires the benefit of planning permission or whether it is 'Permitted Development' by virtue of the provisions of Schedule 2, Part 1, Class A of the

mentioned Order. Class A refers to the enlargement, improvement or alteration of a house.

The proposed works would involve the erection of a small single story rear extension facilitating the enlargement of the existing kitchen. The extension will project 2.4 metres from the existing rear elevation and will stand 3 metres above ground level. It will sit on a brick faced plinth with matching dashing reflecting the split brickwork/dashing of the ground and first floors of the original dwelling house.

3.0 Site History

3.1 There is no relevant planning history for the property.

4.0 Consultation Responses

4.1 As the application is purely a legal determination based on a factual assessment of the proposal against 'permitted development' rights, no consultations are involved.

5.0 Neighbour Representations

5.1 For the reasons given in 4.1 above, no neighbour consultations were undertaken and at the time of writing this report.

6.0 Principal National and Development Plan Policies

6.1 None (not applicable).

7.0 Comment and Analysis

7.1 There are no matters for Members to consider other than to determine whether or not the proposal is 'permitted development'.

For the purpose of determining this proposal it should be considered against the provisions of Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 which allows for the enlargement, improvement or other alteration of a dwellinghouse. The wording of the legislation is set out verbatim below.

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

A.1 Development is not permitted by Class A if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) 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;

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

- (ii) fronts a highway and forms a side elevation of the original dwellinghouse;*
- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—*
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or*
 - (ii) exceed 4 metres in height;*
- (g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—*
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or*
 - (ii) exceed 4 metres in height;*
- (h) the enlarged part of the dwellinghouse would have more than a single 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 dwellinghouse opposite the rear wall of the dwellinghouse;*
- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;*
- (j) 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 a single storey, or*
 - (iii) have a width greater than half the width of the original dwellinghouse; or*
- (k) it would consist of or include—*
 - (l) 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 *In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—*

- (a) it would 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;*
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or*
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.*

Conditions

A.3 *Development is permitted by Class A subject to the following conditions—*

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—*
- (i) obscure-glazed, and*
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and*
- (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.*

The proposal has been assessed against the aforesaid Order and has been found to wholly comply with all the criteria of Class A of Part 1 to Schedule 2 of the Order.

8.0 Planning Obligations

8.1 None (not applicable)

9.0 Conclusions

9.1 It is considered that the development as proposed meets the requirements of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and that Planning Consent **IS NOT REQUIRED** for the proposed works.

Recommendation

That a Certificate of Lawfulness of Proposed Use or Development be granted.

Background Papers

None