

Agenda Item A11	Committee Date 12 November 2018	Application Number 18/00889/PLDC
Application Site Woodlands Garstang Road Cockerham Lancaster	Proposal Proposed Lawful Development Certificate for conversion of detached garage to create ancillary accommodation in association with Woodlands	
Name of Applicant Mrs Helen Helme	Name of Agent	
Decision Target Date 12 November 2018	Reason For Delay None	
Case Officer	Mr Andrew Clement	
Departure	None	
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 elected member within the district.

1.0 The Site and its Surroundings

1.1 The application site is located within a row of detached properties to the south side of Cockerham village centre. The site proposed for development lies within the rear curtilage of the property known as The Woodlands. The site is an existing detached double garage located to the western side of the curtilage within the rear garden land of the existing residential property, which is enclosed by large mature trees and other forms of vegetation.

1.2 There are no statutory development restrictions affecting the property. Specifically, it is not situated within Article 2(3) Land; (in Lancaster this means a Conservation Area or Area of Outstanding Natural Beauty) and is not subject to an Article 4 Direction.

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 aforementioned Order.

2.2 In this particular case the applicant has submitted a PLDC to ascertain whether the conversion of an

existing detached double garage into living accommodation in the form of an ancillary residential annexe requires the benefit of planning permission or whether it is 'Permitted Development' by virtue of the provisions of Schedule 2, Part 1, Classes A, of the aforementioned Order. Class A refers to the enlargement, improvement or alteration of a dwellinghouse.

- 2.3 The proposed works would involve the replacement of a garage door opening with glazing, and partially blocking the other garage door opening and finished in matching render with a pedestrian door and window in this space. Existing window openings are proposed to be replaced with new windows in the existing opening in matching materials and colour. Internally, the open garage space is to be subdivided by internal walls to form a bedroom, bathroom and living/kitchen room for the use as a detached ancillary residential annexe to the existing dwellinghouse.

3.0 Site History

- 3.1 The application site was granted planning permission for the erection of the double garage that is the subject of this application, and subsequently outline and reserved matters consent for erection of a detached dwelling within the site:-

Application Number	Proposal	Decision
83/00286	Double garage & extensions to kitchen & lounge & a conservatory	Permitted
03/01275/OUT	Renewal of application 00/00995/OUT for the erection of detached bungalow and garage	Permitted
10/00396/RENU	Application for extension of time on application 07/00350/REM for the erection of a detached dwelling	Permitted

4.0 Consultation Responses

- 4.1 The application is purely a legal determination based on a factual assessment of the proposal against 'permitted development' rights. The proposal has been discussed with the council's legal services, with particular reference to a planning condition attached to consent 83/00286/HST001, which is considered to restrict the use of the detached double garage from trade or business use, but does not prevent the conversion to residential use ancillary to the existing dwellinghouse.

5.0 Neighbour Representations

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

6.0 Principal National and Development Plan Policies

- 6.1 None 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'. The wording of the relevant legislation is provided within the background paper attached to this report.

- 7.2 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 consent for the original development of the double garage includes a condition stipulating that this garage shall be used solely as a private lock up garage, and no trade or business shall be carried on in or from the building.

- 7.3 Although the latter part of this condition is considered to be specific enough to restrict the building from being used for trade or business, the use as a private lock up garage does not state the specific use of this, such as solely for the parking of vehicles or domestic storage. As this is not specified, it is considered that the proposed conversion of this detached double garage building to an ancillary residential annexe building within the curtilage of the subject dwelling is not restricted by this

condition, nor does it involve a change of use. Therefore, this proposal does not require the benefit of planning consent, as the proposal remains incidental to the enjoyment of the dwellinghouse if used as an ancillary annexe as proposed.

- 7.4 In consideration of the provisions of the aforementioned Order, it has been determined that the conversion of the detached double garage to ancillary annexe living accommodation, which creates no increase in the footprint or volume of the property, with external work finished in similar appearance materials to facilitate the use, constitutes permitted development.

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

1. Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)