

REPORT SUMMARY

REFERENCE NO - 21/03819/LAWPRO			
APPLICATION PROPOSAL Lawful Development Certificate (Proposed) - Insertion of window at first floor level in side elevation (east) and installation of soil and vent pipe			
ADDRESS 98 Farmcombe Road Royal Tunbridge Wells Kent TN2 5DL			
RECOMMENDATION GRANT (please refer to section 11.0 of the report for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> The proposed Insertion of window at first floor level in side elevation (east) and installation of soil and vent pipe would be deemed permitted development by virtue of Classes A and G, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). 			
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL There are not considered to be any financial benefits which are material or not material to the application.			
REASON FOR REFERRAL TO COMMITTEE One of the applicants is an Officer of the Planning Department			
WARD Pantiles & St Marks	PARISH/TOWN COUNCIL N/A	APPLICANT Mr & Mrs Tom Evans AGENT Peter Evans	
DECISION DUE DATE 19/01/22	PUBLICITY EXPIRY DATE N/A	OFFICER SITE VISIT DATE 10/02/21	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
20/03381/FULL	Replace existing conservatory and utility room with new family room and utility room; first floor extension over new utility room; part garage conversion; loft conversion; changes to fenestration; external landscaping.	Granted	04/02/21

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application is in relation to a predominantly red-brick, semi-detached, two-storey dwellinghouse on a residential street. The property is set back approximately nine metres from the road, at lower level than the highway. The property has an existing single garage to one side. Ground levels within the rear garden slope down to the rear, with steps down from the patio area behind the conservatory to the main garden area. Close boarded fencing marks both side boundaries.

- 1.02 Planning permission was granted last year for various extensions and alterations to the dwelling, although this has not been implemented beyond the removal of a conservatory from the rear elevation.

2.0 PROPOSAL

- 2.01 This application seeks a Lawful Development Certificate for the insertion of a window at first floor level in the eastern side elevation and the installation of a soil and vent pipe.

3.0 SUMMARY INFORMATION

Proposed Vent Pipe	
Max. Height	3.85m

4.0 PLANNING CONSTRAINTS

- 4.01 The only planning constraints that would be relevant to the determination of this application would be whether the dwelling was situated within either a Conservation Area or an Area of Outstanding Natural Beauty (Article 2 (3) land). It is situated in neither.

5.0 POLICY AND OTHER CONSIDERATIONS

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

6.0 LOCAL REPRESENTATIONS

None

7.0 CONSULTATIONS

- 7.01 As the application is for a Lawful Development Certificate (i.e. to establish that planning permission is not required for the development) it does not fall to be assessed against national or local planning policy. The only consideration is whether the proposal constitutes “permitted development”; views of neighbours or consultees are not sought, nor required by legislation.

8.0 APPLICANT’S SUPPORTING COMMENTS (summary of key points)

- 8.01 None made.

9.0 BACKGROUND PAPERS AND PLANS

- 9.01 Application Form;
Site Location Plan (19/937/EX 01);
Existing Site Plan and Ground Floor Plan (19/937/EX 02);
Existing First Floor Plan and Roof Plan (19/937/EX 03A);
Existing Elevations (19/937/EX 04 and 19/937/EX 05);
Existing Sections ((19/937/EX 06A);
Proposed First Floor Plan and Roof Plan (19/936/PD 01);
Proposed Elevations (19/937/PD 02);
Proposed Sections A-A + B-B (19/937/PD 03).

10.0 APPRAISAL

10.01 There are no Article 4 directions in place on the land that restrict permitted development rights for this proposal, nor have any previous planning permissions removed permitted development rights by condition.

10.02 The proposal is therefore assessed against Classes A and G, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposal can be divided into two parts:

- The installation of a window at first floor level in the (eastern) side elevation would need to be considered in relation to the criteria set out within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The installation of a soil and vent pipe on the (eastern) side elevation would need to be considered in relation to the criteria set out within Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Installation of window

10.03 Class A allows for the enlargement, improvement or other alteration of a dwelling house providing all of the following criteria are met:

Class A	Criteria met?
A1	
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);	Complies
b) No more than 50% of total area of curtilage covered	N/A
c) No higher than highest part of the roof	Complies
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;	N/A
e) the enlarged part of the dwellinghouse would extend beyond a wall which—	
(i) forms the principal elevation of the original dwelling house; or	N/A
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;	N/A
f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—	N/A
(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	N/A
(ii) exceed 4 metres in height;	N/A
g) For a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse	N/A

Class A	Criteria met?
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	N/A
ii) exceed 4 metres in height;	N/A
h) the enlarged part of the dwellinghouse would have more than a single storey and	N/A
(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or	N/A
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;	N/A
l) 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;	N/A
j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and	N/A
(i) exceed 4 metres in height,	N/A
(ii) have more than a single storey, or	N/A
(iii) have a width greater than half the width of the original dwellinghouse; or	N/A
j(a) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)	N/A
(k) Or, it would consist of or include—	
(i) the construction or provision of a verandah, balcony or raised platform,	Complies
(ii) the installation, alteration or replacement of a microwave antenna,	Complies
iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or	See Class G, below
(iv) an alteration to any part of the roof of the dwellinghouse.	Complies
A2	
Development site is on article 2(3) land	N/A (not on Article 2(3) Land
(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;	N/A
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	N/A
(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	N/A

Class A	Criteria met?
(d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c);	N/A
A3	
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;	Complies (confirmed on drawing 19/937/EX & 19/937/PD 02)
b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be	
(i) obscure glazed	Complies (confirmed on drawing 19/937/PD 02)
(ii) and 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	Complies (19/937/PD 03)
(c) where the enlarged part of the dwellinghouse has more than a single storey or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	N/A

The installation of a soil and vent pipe

10.04 Class G allows for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse providing all of the following criteria are met:

Class G	Criteria Met?
G.1 Development is not permitted by Class G 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);	Complies
b) The height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or	Complies (Max height 3.85 metres and no part extends above the eaves)
c) In the case of a dwellinghouse on article 2 (3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which -	Complies (not on article 2(3) land)
i) Fronts a highway, and;	N/A
ii) Forms either the principal elevation or a side elevation of the dwellinghouse.	N/A

SUMMARY

10.05 The proposal meets the relevant criteria of Classes A & G of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. It

can therefore be undertaken pursuant to the above permitted development rights and express planning permission is therefore not required for the development.

11.0 RECOMMENDATION – Grant, for the following reasons:

1. Proposed first floor window on the side elevation is deemed to be permitted development by virtue of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. Proposed soil and vent pipe is deemed to be permitted development by virtue of Class G, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

INFORMATIVES

- (1) The following plans and documents were taken into consideration in reaching this decision:

Application Form;
Site Location Plan (19/937/EX 01);
Existing Site Plan and Ground Floor Plan (19/937/EX 02);
Existing First Floor Plan and Roof Plan (19/937/EX 03A);
Existing Elevations (19/937/EX 04 and 19/937/EX 05);
Existing Sections ((19/937/EX 06A);
Proposed First Floor Plan and Roof Plan (19/936/PD 01);
Proposed Elevations (19/937/PD 02);
Proposed Sections A-A + B-B (19/937/PD 03).

Case Officer: James Taylor/Richard Hazelgrove

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.