

REPORT SUMMARY

REFERENCE NO - 23/00251/LAWPRO		
APPLICATION PROPOSAL Certificate of Lawful Development (Proposed) - Single storey rear extension		
ADDRESS 5 Newlands Road Royal Tunbridge Wells Kent TN4 9AS		
RECOMMENDATION GRANT (please refer to section 11.0 of the report for full recommendation)		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL - The proposal complies with the requirements of Classes A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is therefore permitted development.		
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 The applicant is the partner of an employee of Tunbridge Wells Borough Council.		
WARD St Johns	PARISH/TOWN COUNCIL N/A	APPLICANT Mrs Katie Allen AGENT Mr Scott Wilson
DECISION DUE DATE 30/03/23	PUBLICITY EXPIRY DATE N/A	OFFICER SITE VISIT DATE 17/02/23
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
No relevant planning history.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises a two-storey semi-detached, brick finished, property located on the west side of Newlands Road in the St Johns Ward of the Borough. The property is set back approximately 11m from the road and includes a garden to the front and rear of the dwelling. The property is set on a slightly higher land level to that of Newlands Road and the land level gently rises towards the rear of the site. The front boundary of the site is marked by a low-level brick wall and planting. The remaining boundaries of the site are marked by timber fencing.
- 1.02 The site is located within in a predominantly residential area comprising mostly two storey semi-detached and detached dwellings. The west side of Newlands Road is largely occupied by semi-detached units whereas the east side predominantly comprised detached units situated on a lower land level.
- 1.03 The site is located Inside the Limits to Built Development (LBD).

2.0 PROPOSAL

- 2.01 This application seeks a Lawful Development Certificate for a single storey rear extension.
- 2.02 The proposal would result in the removal of an existing rear single storey element, which comprises a utility space and a w/c (only accessible externally) and the erection of a replacement, larger single storey extension, hosting a utility space and w/c. The extension is proposed to have a sloped roof.

3.0 SUMMARY INFORMATION

	Proposed
No. of storeys	1
Max height	3.3m
Max eaves height	2.5m
Max depth	3.0m
Max width	3.1m

4.0 PLANNING CONSTRAINTS

Limits to built development INSIDE LBD1

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

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

None made.

9.0 BACKGROUND PAPERS AND PLANS

Application Form
1375 - Existing and Proposed Plans and Elevations
1375-09 - Site Location Plan

10.0 APPRAISAL

- 10.01 This application is a Lawful Development Certificate (proposed) and is subject to Town and Country Planning (General Permitted Development) Order 2015 as amended. As such the normal Planning considerations concerning amenity, impact on other residents etc. are not part of this appraisal. The matters before the Committee are to be decided on meeting the criteria of the legislation.
- 10.02 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.

10.03 The proposal is therefore assessed against Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class A allows for the enlargement, improvement or other alteration of a dwelling house providing all of the below criteria are met. The assessment of the rear extension is carried out below:

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 (the existing dwelling is a purpose built dwelling and not via a change of use)
b) No more than 50% of total area of curtilage covered	Complies (the extension would not result in more than 50% of the total area of curtilage covered)
c) No higher than highest part of the roof	Complies (the extension is single storey)
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;	Complies (the extension is single storey)
e) the enlarged part of the dwellinghouse would extend beyond a wall which—	
(i) forms the principal elevation of the original dwelling house; or	Complies (the extension is to the rear)
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;	Complies (the extension is to the rear and does not front a highway)
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	Complies (the extension has a depth of 3m)
(ii) exceed 4 metres in height;	Complies (the extension is 3.3m in height)
g) 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	Complies (the extension has a depth of 3m)
ii) exceed 4 metres in height;	Complies (the extension is 3.3m 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	N/A

Class A	Criteria met?
(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;	Complies (the eaves height of the extension is 2.5m)
j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and	
(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)	Complies
(k) Or, it would consist of or include—	
(i) the construction or provision of a verandah, balcony or raised platform,	N/A
(ii) the installation, alteration or replacement of a microwave antenna,	N/A
iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or	N/A
(iv) an alteration to any part of the roof of the dwellinghouse.	N/A
A2	
Development site is 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
(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 (it is proposed to use matching materials)
b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be— obscure glazed	N/A
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	N/A
(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

Summary

10.04 The proposal meets the relevant criteria of Class A 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 reason:

1. The proposed single storey rear extension 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).

INFORMATIVES

1. The following plans and documents were taken into consideration in reaching this decision:

Application Form
1375 - Existing and Proposed Plans and Elevations
1375-09 - Site Location Plan

Case Officer: James Moysey

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