

APP 04

Application Number: 12/01313/CLUP
Other

Erection of single storey detached garden room and conversion of existing brick built potting shed into boiler plant room

AT 4 High Street, Haversham, Milton Keynes

FOR FSG Property Services Ltd

Target: 7th September 2012

Ward: Hanslope Park

Parish: Haversham Cum Little Linford
PC

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1.0 INTRODUCTION

(A brief explanation of what the application is about)

1.1 The Site

The application site is a semi-detached cottage located on the High Street in Haversham. The property does not lie within a Conservation Area nor is it a Listed Building. The application property has its relevant permitted development rights in tact.

Details of the location of the site and its relationship to surrounding properties can be seen in the plans attached to this report.

1.2 The Proposal

A Certificate of Lawful Use as Proposed is sought for the construction of a detached garden room in addition to the conversion of the existing potting shed to a boiler room with associated solar panel. The flue has since been omitted from the submitted plans.

Details of the proposal as described above can be seen in the plans appended to this report.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

Consideration is given as to whether or not the extension is permitted development as defined in the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

3.0 MAIN ISSUES

(The issues which have the greatest bearing on the decision)

- 3.1 Whether or not the proposal is within the scope of permitted development allowed under the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

- 4.1 It is recommended that a Certificate of Lawful Use as Proposed be issued.

5.0 CONSIDERATIONS

(An explanation of the main issues that have lead to the officer Recommendation)

- 5.1 In respect of the proposed new outbuilding, Class E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended) is considered the relevant legislation and notes:

‘Permitted development:

The provision within the curtilage of the dwellinghouse of-

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure: or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development is not permitted by Class E if:

- (a) the total ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (c) the building would have more than one-storey;
- (d) the height of the building, enclosure or container would exceed-
 - (i) 4 metres in the case of a building with a dual-pitched roof,
 - (ii) 2.5 metres in the case of an outbuilding, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - (iii) 3 metres in any other case
- (e) The height of the eaves of the building would exceed 2.5 metres;
- (f) The building, enclosure, pool or container would be situated within the

- curtilage of a Listed Building;
- (g) It would include the construction or provision of a veranda, balcony or raised platform;
- (h) It relates to a dwelling or a microwave antenna; or
- (i) The capacity of the container would exceed 3,500 litres.

The proposal is considered to accord with all details as noted above, consisting of a building required for a purpose incidental to the enjoyment of the dwellinghouse; and

- (a) would not result in more than 50% of the total area of the curtilage of the site being covered by buildings;
- (b) would be sited to the rear of the site and not forward of the principal elevation of the dwelling;
- (c) would only have one storey;
- (d) given the dual-pitch nature of the roof would not exceed 4 metres in height;
- (e) has eaves height 2.462 metres (below the threshold 2.5 metre height);
- (f) not falling within the curtilage of a Listed Building;
- (g) no veranda, balcony or raised platform is proposed;
- (h) no microwave antenna is proposed;
- (i) no container is proposed.

This part is therefore considered to be permitted development.

In respect of the proposed solar panels to the existing outbuilding, Part 40 of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended) is considered the relevant legislation and notes:

'Permitted development:

The installation. Alteration or replacement of solar PV or solar thermal equipment on-

- (a) a dwellinghouse or a block of flats; or
- (b) a building situated within the curtilage of a dwellinghouse or a block of flats.

Development is not permitted by Class E if:

- (a) the solar PV or solar thermal equipment would protrude more than 200 millimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;
- (b) 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);
- (c) in the case of land within a Conservation Area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;

- (d) the solar PV or solar thermal equipment would be installed on a site designated as a Scheduled Monument; or
- (e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a Listed Building.

The proposal is considered to accord with all details as noted above, consisting of a building required for a purpose incidental to the enjoyment of the dwellinghouse; and

- (a) the PV panels would not exceed 200mm from the roof plane;
- (b) the highest part of the PV panel would match the pitch of the roof;
- (c) the application site does not fall within a Conservation Area or World Heritage Site;
- (d) The application site is not designated as a Scheduled Monument;
- (e) The building does not fall within the curtilage of a Listed Building.

This part is therefore considered to be permitted development.

6.0 REASONS

(The reasons that officers recommend that the application should be refused. The reasons must be ones that the Council can demonstrate with evidence, should the applicant appeal against the refusal)

The development constitutes permitted development under the terms of Class E of Part 1 to Schedule 2 and Part 40 of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended).

Appendix to 12/01313/CLUP

A1.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

- A1.1 Two applications for two-storey side and rear extensions (ref's. 10/01425/FUL and 10/01997/FUL) have each previously been withdrawn.
- A1.2 A Certificate of Lawfulness (ref.: 11/02098/CLUP) for proposed extension to dwelling within the parameters of permitted development was granted in 2011.

A2.0 CONSULTATIONS AND REPRESENTATIONS

(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)

Comments

Officer Response

A2.1 Haversham Cum Little Linford Parish Council

Note that the proposed development looks across to the neighbours which might be deemed to be an intrusion of privacy.

Noted – The proposal either accords with the guidelines or not.

A2.2 Consider the development to constitute an overdevelopment of the plot.

Noted.

A2.3 The Parish Council feel that applications for a Lawful Development Certificate are unhelpful in refusing a Parish Council or indeed an individual to object to the proposed development. It seems to be a way around the development planning process.

Noted.

A2.4 Ward Cllr Geary

Formally requests that the application be determined at a relevant Development Control Meeting.

Noted.

A2.5 Local Residents

No neighbouring properties were notified of the current application.

- A2.6 A representation has however been received making the following observations:
- A2.7 Considers that 'permitted development' under a Certificate of Lawfulness completely undermines the purpose of the established planning process; Noted.
- A2.8 Notes that it appears following two unsuccessful attempts to propose developments to the property that were both excessive and unsympathetic that the owner/developer has simply found their way around this through the loopholes presented via a Certificate of Lawfulness; Noted.
- A2.9 If approved, the most recent development will add yet another element to the current 'hotchpotch' of buildings and bolted-on extensions that have all but ruined the original character of the property; Noted.
- A2.10 Insertion of a set of four, full-height, bi-fold doors positioned and facing due East within the garden room, facing directly into the neighbouring private garden; Noted.
- A2.11 Note the lack of neighbour consultation and omission of considerations as would normally apply in the case of a standard planning application; Noted.
- A2.12 Potential to amalgamate outbuildings. Each application would be assessed on its own merits.