

Application Number: 20/01818/CLUP

Description Certificate of lawfulness for proposed single storey rear extension

At 41 Braford Gardens, Shenley Brook End, Milton Keynes, MK5 7HY

For Mr & Mrs Richard & Amanda Marlow

Statutory Target: 21/09/2020

Extension of Time: Yes/No – 25/09/2020

Ward: Shenley Brook End

Parish: Shenley Brook End &
Tattenhoe PC

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1.0 RECOMMENDATION

1.1 It is recommended that a Certificate of Lawfulness be granted

2.0 INTRODUCTION

The Site

2.1 The application site is a three-storey detached dwelling located in the residential area of Shenley Brook End within Milton Keynes. The property retains its full Permitted Development Rights.

The Proposal

2.2 The application seeks confirmation that the works are permitted development for a proposed single storey rear extension.

Reason for referral to committee

- 2.3 The application has been referred to committee/panel as the applicant is an elected Councillor.

3.0 RELEVANT POLICIES

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

Schedule 2, Part 1 - Development within the curtilage of a dwellinghouse, Class A - enlargement, improvement or other alteration of a dwellinghouse

- 3.2 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

- 3.3 Equality Act 2010

Due regard, where relevant, has been had to the Milton Keynes Council's equality duty as contained within the Equality Act 2010.

4.0 RELEVANT PLANNING HISTORY

- 4.1 None

5.0 CONSULTATIONS AND REPRESENTATIONS

- 5.1 There is no statutory requirement to consult on these types of applications. However, notifications were sent to the Parish Council and Ward Councillors.

6.0 MAIN ISSUES

- 6.1 The proposed single storey rear extension has to be assessed against Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to determine whether the proposal constitutes permitted development or whether it will require a planning application.

7.0 CONSIDERATIONS

- 7.1 The site is not subject to a General Permitted Development order withdrawal, and as such the sites Permitted Development Rights are intact.

- 7.2 The proposed single storey rear extension has to be assessed against Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to determine whether the proposal constitutes permitted development or whether it will require a planning application.

Class A – enlargement, improvement or other alteration of a dwellinghouse

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, PA or Q of Part 3 of this Schedule (changes of use);

No

(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);

No

(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;

No

(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;

No

(e) the enlarged part of the dwellinghouse would extend beyond a wall which
(i) forms the principal elevation of the original dwellinghouse; or

No

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

No

(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

No (3.480m)

(ii) exceed 4 metres in height;
No (3.450m)

(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

No

(ii) exceed 4 metres in height;
No

(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

No

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of the dwellinghouse;

No

(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;

No (2.50m)

(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,

No

(ii) have more than a single storey, or

No

(iii) have a width greater than half the width of the original dwellinghouse;

No

(ja) 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);

No

(k) it would consist of or include

(i) the construction or provision of a verandah, balcony or raised platform,

No

(ii) the installation, alteration or replacement of a microwave antenna,

No

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

No

(iv) an alteration to any part of the roof of the dwellinghouse

No

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

No

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if...; **N/A**

Conditions

The relevant conditions to this class state that the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwelling house.

Yes (Indicated on plans Red/brown facing brickwork, Redland Grovebury concrete interlocking roof tiles and white uPVC doors and windows all to match existing)

8.0 CONCLUSIONS

8.1 The development for the proposed single storey rear extension would constitute permitted development under the terms of Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provided the conditions are complied with.

9.0 CONDITIONS

None

