

Officer Recommendation: Permitted Development

DATE VALID - 20th November 2017

TARGET DATE - 15th January 2018

APPLICATION NUMBER – 17/02687/CLP

LOCATION:

Stable Cottage Broadleas Coppice Lane Reigate Surrey

APPLICANT:

Mr & Mrs Wilkins

C/O Ws Planning & Architecture

AGENT:

Mr Spencer Copping

Europe House
Bancroft Road
Reigate
RH2 7RP

PROPOSAL:

Proposed Garden room/ home office

SITE VISIT DATE: 5th January 2018

REPRESENTATIONS

Notification is undertaken for information purposes only.

RELEVANT LEGAL CONTEXT

Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class E.

SITE AND SURROUNDINGS

The dwelling is a two storey semi-detached house set in a modest plot. The application dwelling has a pitched roof and a detached garage to the eastern side of the plot. The site is located in the Metropolitan Green Belt and is accessed via a single track private road. Coppice Lane, a Public Byway runs adjacent to the western boundary of the site and the proposal would be visible from this byway. Stable Cottage is a two storey dwelling and is adjoined to The Coach House on the southern side. The access road is

treed and there are a significant number of trees to the east of the property however no significant trees are likely to be affected by the proposed development. Coppice Lane to the west is lined by hedges and further to the west are open grassed fields.

PLANNING AND ENFORCEMENT HISTORY

15/02894/HHOLD - Rear extension and roof terrace - Refused

15/02489/CLP - Rear flat roof extension - Refused

15/02364/PDE - Proposed rear extension - depth x 3.125m, height x 3m, height to eaves 3m - Refused (balcony)

02/00538/F - Erection of a conservatory - Approved with Conditions

93/13600/F - Two Storey Extension - REFUSED

PRINCIPAL ISSUES

This application seeks a certificate of lawfulness for a proposed use or development comprising a detached outbuilding in the rear garden for use as a garden room/home office (ancillary to the dwelling).

The first aspect to consider is whether the work proposed constitutes development within the meaning of the Town and Country Planning Act 1990 as amended. If it does not constitute development a Certificate of Lawful Proposed Development should be issued confirming development is not involved.

If development is proposed follow through the following assessment.

The proposed operation falls within the definition of development under Section 55 of the Town and Country Planning Act 1990, for which planning permission is required. The principal issue in this case is therefore whether permission is granted by reason of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Three steps are taken in determining whether the proposal would be permitted development:

1. Any previous planning permissions are checked for planning conditions preventing the proposal;
2. Any Article 4 directions covering the site are checked;
3. Compliance with the Town and Country Planning (General Permitted Development) Order 2015 (as amended) Schedule 2, Part 1, Class E is assessed.

PLANNING CONDITIONS PREVENTING THE PROPOSAL

None found.

ARTICLE 4 DIRECTIONS

None relevant.

COMPLIANCE WITH GPDO 2015 Schedule 2, Class E

The provision within the curtilage of a dwelling house of a detached outbuilding

- 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) the provision of a container used for domestic heating purposes for the storage of oil or liquid petroleum gas, is permitted under the General Permitted Development Order 2015 Class E provided that:

(a) permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

The proposal complies with this requirement

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposal complies with this requirement

(c) any part of the building, enclosure, pool or container would not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

The proposal complies with this requirement.

(d) the building would not have more than a single storey storey;

The proposal complies with this requirement.

(e) the height of the building, enclosure or container would not exceed –

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case;

The proposal would not be within 2m of a boundary. It would have a pitched roof less than 4m high.

(f) the height of the eaves of the building would not exceed 2.5 metres;

The proposal complies with this requirement

(g) the building, enclosure, pool or container would not be situated within the curtilage of a listed building;

The proposal complies with this requirement.

(h) it would not include the construction or provision of a veranda, balcony or raised platform;

The proposal would not include a veranda, balcony or raised platform

(i) it does not relate to a dwelling or a microwave antenna;

The proposal complies with this requirement.

Or

(j) the capacity of the container would not exceed 3,500 litres.

The proposal complies with this requirement.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

(a) an area of outstanding natural beauty,

(b) the broads,

(c) a national park, or

(d) world heritage site,

development is permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would not exceed 10 square metres.

This requirement is not relevant.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is permitted by Class E if any part of the building, enclosure, pool or container would not be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

This requirement is not relevant.

CONCLUSION

The proposed development would be permitted development by virtue of Article 3 and Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015.

Permission be Permitted Development

REASONS

Statement of reason for grant of planning permission (Article 31 of The Town And Country Planning (Development Management Procedure) (England) Order 2010):

The proposal, as shown in the submitted plans, is development permitted under Article 3 and Schedule 2, Part 1, Class E (development within the curtilage of a dwellinghouse - outbuildings) of the Town and Country Planning (General Permitted Development) (England) Order 2015.