

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **4<sup>TH</sup> OCTOBER 2016**

**ADDRESS/LOCATION** : **99 DENMARK ROAD, GLOUCESTER**

**APPLICATION NO. & WARD** : **16/01039/LAW (KINGSHOLM & WOTTON)**

**EXPIRY DATE** : **21 OCTOBER 2016**

**APPLICANT** : **MR GARETH EVANS**

**PROPOSAL** : **LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED SINGLE STOREY SIDE EXTENSION**

**REPORT BY** : **JON SUTCLIFFE**

**NO. OF APPENDICES/ OBJECTIONS** : **1. SITE LOCATION PLAN**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application is made under Section 192 of the Town and Country Planning Act 1990 (as amended) which enables a Lawful Development Certificate to be granted to confirm that a proposal would be lawful in planning terms. This application relates to development which is 'Permitted Development'.
- 1.2 The proposal is for a single storey side extension on a semi-detached house at 99 Denmark Road. The proposed extension would measure 2m in width, with a depth of 10m. It would measure 3.25m to the top of its roof where it meets the existing dwellinghouse, and 2.5m high to the eaves.
- 1.3 The application has been brought to Committee because the applicant is married to an employee of the City Council.

**2.0 RELEVANT PLANNING HISTORY**

- 2.1 None.

**3.0 PLANNING POLICIES**

- 3.1 This proposal for a Lawful Development Certificate is not judged against planning policy, as it is a determination based on whether or not the proposal is lawful in planning terms. Therefore the document used to determine this application is The Town and Country Planning (General Permitted Development) (England) Order 2015.

#### **4.0 CONSULTATIONS**

4.1 As the proposal is for a Lawful Development Certificate, no consultation is carried out for such applications

#### **5.0 PUBLICITY AND REPRESENTATIONS**

5.1 As the proposal is for a Lawful Development Certificate, no publicity is carried out for such applications.

#### **6.0 OFFICER OPINION**

##### Analysis of Lawfulness of Proposal

- 6.1 This application has to be assessed against the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015. That document sets out the currently in force 'permitted development' rights. If the proposal complies with the provisions of that Order, the development would be 'permitted development', and consequently would be lawful in planning terms. If the proposal is lawful in planning terms, then a Lawful Development Certificate must be granted – with this type of application there can be no assessment of the planning merits of the proposal, as would be undertaken with an application for planning permission.
- 6.2 The proposed development is considered to be controlled by Class A of Part 1 of the Schedule to the Town and Country Planning (General Permitted Development) (England) Order 2015. In relation to Class A - The enlargement, improvement or other alteration of a dwelling house, the extension:
- b) Would not cover more than 50% of the total area of the curtilage
  - c) Would not exceed the highest part of the dwellinghouse
  - d) The proposed height of the eaves would not exceed the existing eaves height of the dwellinghouse
  - e) Would not extend beyond a wall which forms the principal elevation of the original dwellinghouse, or fronts a highway and forms a side elevation
  - f) Would not extend beyond the rear wall of the original dwellinghouse by more than 3 metres; and would not exceed 4 metres in height
  - h) Would be single storey
  - i) Would be within 2 metres of a boundary but in any event the height of the eaves would not exceed 3 metres
  - j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, but would not exceed 4 metres in height; would be single-storey; and would not have a width greater than half the width of the original dwellinghouse.
  - k) Would not consist of or include a verandah, balcony or raised platform, antenna, chimney or alteration to any part of the roof of the original dwellinghouse.

- 6.3 Consequently the proposed development falls within the limits of “permitted development” by virtue of Class A of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and is therefore ‘permitted development’.
- 6.4 The proposal therefore does constitute Lawful Development and as such a Certificate of Lawful Development can be issued.

**7.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

That a Lawful Development Certificate be granted for the following reason:-

The development as indicated on the drawings submitted in their entirety would constitute permitted development, as the works falls within the limits of permitted development by virtue of Class A, Part 1 of the Schedule to the Town and Country Planning (General Permitted Development) (England) Order 2015.

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Decision: .....

Notes: .....

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Person to contact: Jon Sutcliffe  
 (Tel: 396783)

**16/01039/LAW**

**99 Denmark Road  
Gloucester  
GL1 3JW**

**Planning Committee 04.10.2016**

