

Development Management Delegated Decision Report

B/21/0125



SUMMARY OF APPLICATION

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Application Reference	B/21/0125		
Application Type	Prior Notification under Part 1 - Householder		
Proposal	Prior notification for a single storey conservatory 4.85m (L) x 3.5m (W). Maximum height of 3.4m with an eaves height of 2.1m, following demolition of existing conservatory		
Location	238 Sleaford Road, Boston, PE21 7PG		
Applicant	Mr & Mrs Keal		
Agent	Mr Simon Ahearn, James Oliver Conservatories		
Received Date:	15-Mar-2021	Consultation Expiry Date:	
Valid Date:	19-Mar-2021	Statutory Expiry Date:	30-Apr-2021
Date of Site Visit:	23-Mar-2021	Extension of Time Date:	---
Objections received?	No		
5 day notification record: Not applicable			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	APPROVE		
Report by:	Grant Fixter		
Date:	20/04/2021		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site comprises a two storey detached dwelling off Sleaford Road Boston. There is a conservatory to the rear of the dwelling which is the subject of this application and the site is essentially surrounded by residential dwellings.

DETAILS OF PROPOSAL:

This proposal seeks prior approval for a single storey conservatory measuring 4.85m in length, 3.5m in width 2.1m to the eaves and a maximum height of 3.4m following the demolition of the existing conservatory.

Full details are shown on the following documents:

- Location Plan;
- Conservatory Layout;
- External Brick Layout;
- Photo of the existing conservatory.



RELEVANT HISTORY:

- B/02/0260 - First floor side extension – Approved on 16/07/2002;
- B/01/0573 - Construction of single storey rear conservatory – Approved on 10/12/2001.

RELEVANT LEGISLATION

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

EVALUATION:

Context		
Application Description	This proposal seeks prior approval for a single storey conservatory measuring 4.85m in length, 3.5m in width 2.1m to the eaves and a maximum height of 3.4m following the demolition of the existing conservatory.	
Relevant planning history	Outlined above.	
The main issues are:		
1. Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended		
	Yes / No	PD?
Have permitted development rights been removed	N	Y
Is the property a dwellinghouse	Y	Y
Is it detached?	Y	
Is it semi-detached or terraced?	N	
Is it within a conservation area	N	
(a) Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)	N	Y
(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)	N	Y
(c) the height of the part of the dwellinghouse enlarged, improved or altered exceed the height of the highest part of the roof of the existing dwellinghouse	N	Y
(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered exceed the height of the eaves of the existing dwellinghouse	N	Y
(e) would the enlarged part of the dwellinghouse extend beyond a wall which:- (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of	N	Y

the original dwellinghouse		
(f) would, 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 (ii) exceed 4 metres in height	Y	(see g)
(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 (ii) exceed 4 metres in height	N	Y
Have any representations been received from adjoining premises	NO	
(h) the enlarged part of the dwellinghouse have more than one storey and- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (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	Y
(i) would the enlarged part of the dwellinghouse 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;	N	Y
(j) would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and would - (i) exceed 4 metres in height, (ii) have more than one storey, or (iii) have a width greater than half the width of the original dwellinghouse	N	Y
(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)	N	Y
(k) it would consist of or include:- (i) the construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	N	Y
(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).		

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if:- (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	N/A
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;	N/A	N/A
(c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse	N/A	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	N/A
A.3 Development is permitted by Class A subject to the following conditions— (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;	Y	Y
(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be— (i) obscure-glazed, and (ii) 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	Y
(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	Y
A.4— (1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).		
(2) Before beginning the development the developer must provide the following information to the local planning authority— (a) a written description of the proposed development including— (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse; (ii) the maximum height of the enlarged part of the dwellinghouse; and (iii) the height of the eaves of the enlarged part of the dwellinghouse; (iv) where the enlarged part will be joined to an existing enlargement of the dwellinghouse, the information in sub-paragraphs (i) to (iii) must be provided in respect of the total enlargement (being the enlarged part together with the existing enlargement to which it will be joined);	Y	
(b) a plan indicating the site and showing the proposed development and any existing enlargement of the original dwellinghouse to which the enlarged part will be joined;	Y	
(c) the addresses of any adjoining premises;	Y	
(d) the developer's contact address; and	Y	
(e) the developer's email address if the developer is content to receive communications electronically.	Y	

RECOMMENDATION:

From the above, it is clear the proposed development complies with all the required criteria.

The proposed development is, therefore, considered permitted development by virtue of The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.

CONDITIONS / REASONS	
Pre-commencement conditions?	N/A Agreed with applicant/agent - Date: N/A

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE**STATEMENT OF PROACTIVE WORKING:**

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

The Applicant's attention is drawn to the following notes:

It is a requirement of condition A.3 of the Regulations that 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.

It is a requirement of condition A.4 of the Regulations that the development shall be carried out in accordance with the details submitted to the Local Planning Authority.