

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received ☐
2. Application complies with all relevant planning policies and is acceptable on planning grounds ☐
3. There is no Committee resolution for the enforcement action ☐
4. There is no effect on listed buildings or their settings ☐
5. The site is not in the Green Belt (but see 11 below) ☐

REFUSAL RECOMMENDED: GENERAL

6. Application is contrary to relevant planning policies/standards ☐
7. No petition of 20 or more signatures has been received ☐
8. Application has not been supported independently by a person/s ☐
9. The site is not in Green Belt (but see 11 below) ☐

RESIDENTIAL DEVELOPMENT

10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha ☐
11. Householder application in the Green Belt ☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses ☐
13. Refusal of change of use from retail class A1 to any other use ☐
14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. ☐

CERTIFICATE OF LAWFULNESS

15. Certificate of Lawfulness (for proposed use or Development) ☐
16. Certificate of Lawfulness (for existing use or Development) ☐
17. Certificate of Appropriate Alternative Development ☐

CERTIFICATE OF LAWFULNESS

18. ADVERTISEMENT CONSENT (excluding Hoardings) ☐
19. PRIOR APPROVAL APPLICATION ☐
20. OUT-OF-BOROUGH OBSERVATIONS ☐
21. CIRCULAR 18/84 APPLICATION ☐
22. CORPSEWOOD COVENANT APPLICATION ☐
23. APPROVAL OF DETAILS ☐
24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval ☐
25. WORKS TO TREES ☐
26. OTHER (please specify) ☐

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Report of the Head of Planning, Transportation and Regeneration

Address 54 DALE DRIVE HAYES

Development: Single storey extension to existing outbuilding (Application for a Certificate of Lawful Development for a Proposed Development)

LBH Ref Nos: 5861/APP/2020/1338

Drawing Nos: 02 Rev. A
03
Location Plan (1:1250)
01 Rev. A

Date Plans Received: 27/04/2020 **Date(s) of Amendment(s):**

Date Application Valid: 05/05/2020

1. RECOMMENDATIONS

1.1 Recommendations

That a certificate of lawful use or development be **REFUSED** for the proposed development described above in respect of the land edged red on the attached plans for the following reasons:

The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 as the proposed building, by reason of its overall size, and scale is not considered to represent a development required for a purpose incidental to the enjoyment of the dwellinghouse.

This determination is based on your submitted plans. All measurements are taken from existing ground level.

INFORMATIVES

2.0 Planning Considerations

The proposals are clearly development as defined in the Planning Acts. The application site is not located within a conservation area, World Heritage Site or AONB and the permitted development rights in relation to such extensions have not been restricted, nor is there an Article 4 Direction in place removing such rights for this type of proposal.

The submitted plans indicate that the proposed outbuilding would:

1. Not result in more than half the area of land around the original house being covered by additions or extensions.
2. Not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.
3. Not be more than one storey.
4. Not have a tank capacity exceeding 3,500 litres and
5. The overall height of the outbuilding would not be more than 2.5 metres within 2 metres

of a shared boundary line.

6. Not be within the curtilage of a listed building.

7. Not consist of or include the construction or provision of a balcony, verandah or raised platform.

Assessment of this application:

The proposal is development by virtue of the definition of development set out in the Town and Country Planning Act 1990 (as amended). There are no conditions restricting permitted development rights on this property, nor is there an Article 4 Direction removing these rights for this type of proposal.

The main planning consideration is whether the proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class E and of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class E conveys permitted development rights to provide within the curtilage of a dwellinghouse any building required for a purpose incidental to the enjoyment of the dwellinghouse, subject to certain limitations.

The property is not a listed building and is not within a Designated Conservation Area. There are no pre-existing conditions which remove permitted development rights. The location and dimensions of the proposed building comply with the limitations set out in Class E. The determining issue, therefore, is whether or not the proposed building is required for purposes incidental to the enjoyment of the dwellinghouse. The onus of proof is firmly on the applicant in this regard.

The footprint of the proposed outbuilding at 60m² would represent 150% of the footprint of the original dwelling (40 m²). The property has been significantly extended recently and whilst it is noted that the footprint of the extended outbuilding would appear subordinate to the existing extended dwelling, concerns are raised in terms of the scale of the extended building and whether it would represent a minor accompaniment, suitable for incidental purposes. There has been no justification for the scale of the outbuilding which has a larger footprint than many of the properties within the immediate vicinity.

The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 as the proposed building, by reason of its overall size, and scale is not considered to represent a development required for a purpose incidental to the enjoyment of the dwellinghouse.

3.0 Relevant Planning History

5861/APP/2018/3824 54 Dale Drive Hayes

Single storey rear extension and single storey infill extensions

Decision Date: 24-12-2018 Approved

5861/APP/2019/1904 54 Dale Drive Hayes

Single storey outbuilding to rear for use as a store (Application for a Certificate of Lawful Development for a Proposed Development)

Decision Date: 08-07-2019 Approved

5861/APP/2019/1906 54 Dale Drive Hayes

Single storey detached outbuilding to rear for use as a store with pergola to rear (Application for a Certificate of Lawful Development for a Proposed Development)

Decision Date: 08-07-2019 Approved

5861/APP/2019/241 54 Dale Drive Hayes

Part two storey, part single storey rear extension and porch to front.

Decision Date: 18-03-2019 Approved

5861/APP/2019/983 54 Dale Drive Hayes

Conversion of roof space to habitable use to include rear dormer and 3 front roof lights

Decision Date: 31-05-2019 Approved

5861/C/86/1573 54 Dale Drive Hayes

Alterations to elevation (P)

Decision Date: 04-11-1986 Approved

5861/E/93/0298 54 Dale Drive Hayes

Erection of a single storey rear extension

Decision Date: 28-04-1993 Approved

4.0 ALL CLASSES

Is the dwelling a flat or a maisonette?

NO

Is there a planning condition removing permitted development rights?

NO

Is the building listed/ in a Conservation Area?

NO

CLASS E - Outbuildings

Does the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?

NO

Does 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?

YES / NO

Does the building have more than one storey?

NO

Does the height of the building, enclosure or container 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?

NO

Does the height of the eaves of the building exceed 2.5 metres?

NO

Is the building, enclosure, pool or container situated within the curtilage of a listed building?
NO

Does it include the construction or provision of a veranda, balcony or raised platform
(means a platform with a height greater than 300 millimetres)?
NO

Does it relate to a dwelling or a microwave antenna?
NO

Does the capacity of the container exceed 3,500 litres?
NO

In the case of any land within the curtilage of the dwellinghouse which is article 1(5) land,
development is not permitted by Class E if any part of the building, enclosure, pool or
container would be situated on land between a wall forming a side elevation of the
dwellinghouse and the boundary of the curtilage of the dwellinghouse
NO

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