

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 3 COPSE WOOD WAY NORTHWOOD

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

LBH Ref Nos: 22134/APP/2021/1790

Drawing Nos: 20210303-00
20210303-01
20210303-02
20210303-01C

Date Plans Received: 04/05/2021 **Date(s) of Amendment(s):**

Date Application Valid: 04/05/2021

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) (England) Order 2016 as the height of the outbuilding would exceed 2.5 metres and would be within 2 metres of the boundary of the curtilage of the dwellinghouse.

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

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) (England) Order 2015 (as amended) as the proposed outbuilding, 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 application seeks a certificate of lawful development for the erection of a single storey outbuilding to rear for use as a gym/store. The proposed building would have a footprint of 76 square metres and internal floor area of 66 square metres. The submitted plans indicate the layout as a gym with a store to the rear.

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.

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 would be 78m². Although the proposed use as a store and gym could be considered to be ancillary uses to a dwelling house, it has not been demonstrated the need for the size of the outbuilding. The scale of the outbuilding is such that it would be of a similar size to a single storey dwelling. The application is supported by a letter to demonstrate that the applicant has a medical need for such a facility but this does not demonstrate the need for the size and scale of the outbuilding that is being proposed. Insufficient information relating to a justification for a building of this scale is submitted.

In addition, whilst the height of the outbuilding within 2m of the boundary would not exceed 2.5m it is noted that Class E requires that if any part of the building, container or enclosure is within 2 metres of the boundary of the curtilage of the house, then the height limit for the total development is restricted to 2.5 metres if it is to be permitted development. Given the sloping nature of the site, the height of the outbuilding would exceed 2.5m within 2m of the boundary.

As such the proposal fails to comply with the conditions set out in Class E and the application is recommended for refusal.

3.0 Relevant Planning History

22134/APP/2021/1580 3 Copse Wood Way Northwood

Single storey side/rear extension (Application for a Certificate of Lawful Development for a Proposed Development)

Decision Date: 12-05-2021 Refused

22134/APP/2021/1581 3 Copse Wood Way Northwood

Two storey rear extension (Application for a Certificate of Lawful Development for a Proposed Development)

Development)

Decision Date: 12-05-2021 Approved

22134/PRC/2020/241 3 Copse Wood Way Northwood

Demolition of existing house and erection of new dwelling.

Decision Date: 18-02-2021 OBJ

22134/PRC/2020/88 3 Copse Wood Way Northwood

Part single storey, part two storey side and rear extension, roof alterations/extensions and conversion to habitable accommodation, including front gable feature and front and rear dormers and new roof to garage

Decision Date: 29-06-2020 OBJ

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?

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?

YES 2.886m. "ground level" means the level of the surface of the ground immediately adjacent to the building. IN

in this case whilst one side of the outbuilding would not exceed 2.5m in height, due to the sloping ground level, one side would.

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

YES

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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