

4.4 19/03106/LDCPR Date expired 10 March 2020

Proposal: Replacement windows and doors.

Location: 41 Bradbourne Park Road, Sevenoaks, KENT TN13 3LJ

Ward(s): Sevenoaks Town & St Johns

Item for decision

This application has been referred to Development Control Committee as applicant is a member of staff.

RECOMMENDATION: That the Lawful Development Certificate be GRANTED for the following reason:

The proposals would constitute permitted development as it conforms to Schedule 2, Part 1, Class A of the Town and Country General Permitted Development (England) Order 2015 as amended. Therefore, no planning application is required for these works

Description of site

- 1 The application site relates to a two storey terrace dwelling located on the western side of Bradbourne Park Road. There are neighbouring properties attached to both sides of the site, and also properties located to the rear and opposite. The property is located within the parish of Sevenoaks Town.

Description of proposal

- 2 Replacement of windows and doors at ground floor level only. These materials are to be from wood to Upvc to match the existing dwelling.

Relevant planning history

- 3 19/01735/LDCPR - Loft conversion with new L-Shaped rear dormer.
GRANTED

Constraint

- 4 Area of Archaeological Potential

Chief Planning Officer's appraisal

Background information

- 5 This application is for a Lawful Development Certificate for proposed works, to determine whether those works are permitted development or whether planning permission is required
- 6 No consultations are required for this type of application and there are no planning policies that are relevant. This is a test against legislation and in this case the legislation is the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (to be referred to as 'the Order').
- 7 If the proposed works comply with the requirements and conditions laid out in the Order, then we are obliged to confirm that the works would be permitted development, and grant a Lawful Development Certificate.
- 8 If the proposed works would not comply with the requirements of the Order, we would confirm that the works require planning permission and refuse a Lawful Development Certificate.
- 9 The main of the appraisal is to determine whether the proposed development as described and laid out in the application is lawful.
- 10 As discussed above the application is assessed under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO).
- 11 There is no planning history for the site and therefore permitted development rights are still intact to the property in relation to the proposed development. The replacement windows and doors to an existing dwellinghouse mean that the development will need to be assessed under the criteria in Schedule 2, Part 1, Class A 'The enlargement, improvement or other alteration of a dwelling house'. Full details of this legislation are laid out in Appendix A to this report.
- 12 As you will see in the appendix, under schedule 2, Part 1, Class A the permitted development order is laid out into 3 sections:
 - Paragraph A1
 - Paragraph A2
 - Conditions under Paragraph A3

I will assess the development under the criteria laid out in each section in turn

Assessment:

Conclusion for Class A Paragraph A1 of the GDPO:

- 13 The proposal for replacement windows and doors is considered to be meet all the requirements laid out in paragraph A1 of the legislation.

Conclusion for the above A.2

- 14 The proposal for replacement windows and doors is also considered to meet all the requirements laid out in paragraph A2 of the legislation.

Conclusion for the above A.3

- 15 The proposal only seeks to replace windows and doors to the ground floor of the property. Therefore the conditions in this section relating to upper windows and upper story extensions are not relevant here.
- 16 The materials proposed in my view are similar in appearance to those used in the construction of the exterior of the existing dwelling, which already has Upvc. Therefore in my view the proposal meets the requirements of condition A3a.

Conclusion

- 17 The proposals would constitute permitted development as it conforms to Schedule 2, Part 1, Class A of the Town and Country General Permitted Development (England) Order 2015 as amended. Therefore, no planning application is required for these works.

Background papers

Site and block plan

Appendix A

Class A of the GDPO

Contact Officer(s): Holly Pockett 01732 227000

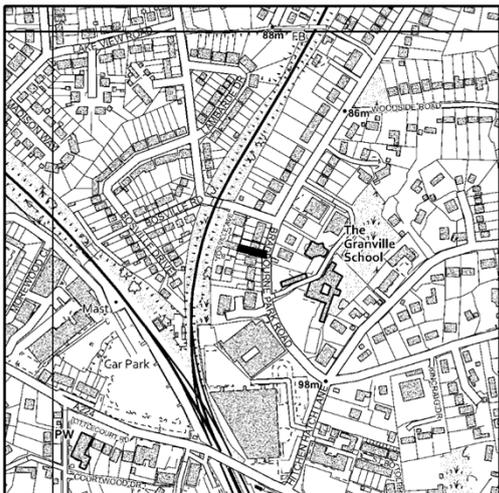
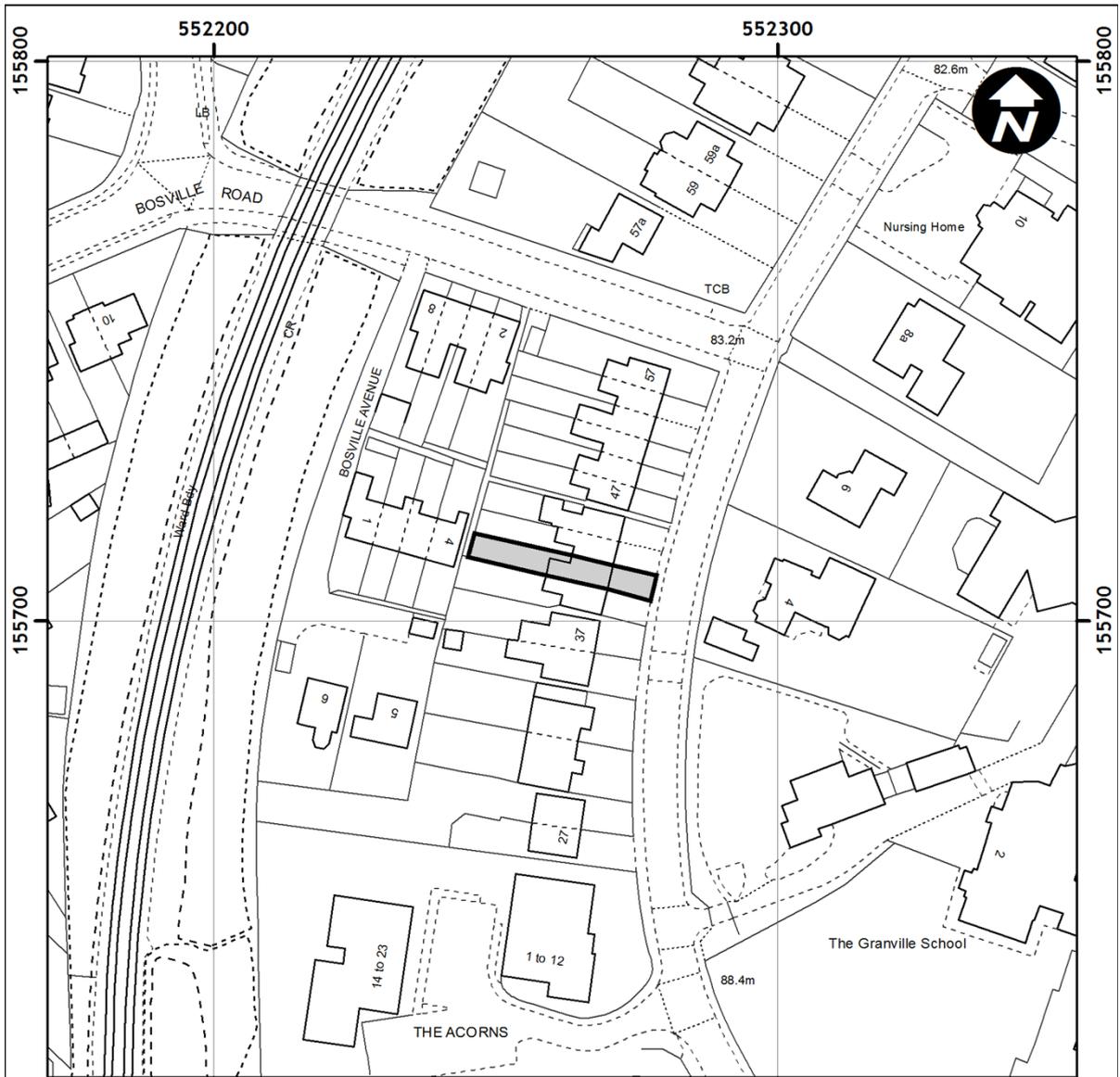
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QOGDPGBK0L000>



Site Plan

Scale 1:1,250

Date 23/01/2020



© Crown copyright and database rights 2020
Ordnance Survey 100019428.

Appendix A - SE/19/03106

Extract from Schedule 2, Part 1, Class A of the Town and Country General Permitted Development (England) Order 2015 as amended Permitted Development:

Class A - the enlargement, improvement or other alteration of a dwellinghouse.

A.1 Development is not permitted by Class B if—

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of class M, N, P, PA, or Q of Part 3 of this Schedule (change of use).
- (b) As a result of the works, the total area of ground covered by the 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).
- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse.
- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse.
- (e) The enlarged part of the dwellinghouse would 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 the original dwellinghouse.
- (f) Subject to para (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) exceeds 4 metres in height.
- (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) exceeds 4 metres in height.
- (h) The enlarged part of the dwellinghouse would have more than a single storey and -
 - (i) extend beyond the rear of 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.
- (i) The enlarged part of the dwellinghouse would 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.
- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would -
 - (i) exceed 4 metres in height,
 - (ii) have more than a single storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse;
 - (ja) any total enlargement (the enlarged part together with any existing enlargement of the original dwelling to which it will be joined) exceeds or would exceed the limits set out in paras (e) to (j)
- (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 vent or pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if (x) -

- (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.
- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse.
- (c) The enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
- (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).

A3. Development is permitted by Class A subject to the following conditions (x) -

- (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall 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
- (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.