

## EAST AREA COMMITTEE MEETING – 19<sup>th</sup> August 2010

### Pre-Committee Amendment Sheet

#### PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: 10/0562/CL2PD

Location: 89 Hobart Road

Target Date: 20.08.2010

#### To Note:

Last week the applicant submitted amended plans, reducing the depth of the single storey rear extension so that it was shown as exactly 3metres in length, with a much more limited 'overhang'. It is my view that what is shown in those amended plans falls within the limitations imposed by the legislation and my recommendation would have been to approve. At the end of last week, however, the government issued a 50 page, 'Permitted Development for Householders – Technical Guidance' document (with notice that the technical guidance was commissioned and written under the last government) and that gives guidance on the matter that is at issue here. In the guidance it is specifically expressed that, "...measurement of the extension beyond the rear wall should be made from the base of the rear wall of the original house to the outer edge of the wall of the extension (not including any guttering or barge boards)." An illustration makes the point.

While I recognise that this new document is guidance only, and that it is not based on decisions from the courts, I think that it must be given considerable weight. Although I am not convinced that the advice given in the Technical Guidance is legally sound, I think it would be obtuse not to accept what was originally proposed by the applicant as constituting permitted development. **The applicant has asked that the original submission be the one considered.**

#### Amendments To Text:

That the final two sentence of section e) on page are deleted and replaced with.

I did not consider that there was any justification for allowing the limitations set out in the legislation to be 'stretched' and therefore held the opinion that the proposal failed in this regard. That said, the very recent advice from Communities and Local Government would suggest that the government, rather than the Courts, puts a different interpretation on the matter, sharing the view rehearsed in the Inspector decisions mentioned above. While not sharing that view, in the light of the very recent guidance, which has graphics to make the point yet clearer, I think it would be obtuse not to accept what is shown in the original submission as constituting permitted development.

Pre-Committee Amendments to Recommendation: It is therefore now recommended that the

- 5.1 On the basis of the information supplied in the planning statement and the plans that accompanied the application, it is concluded that:  
the single storey rear extension, the rear roof dormer alterations and the rooflights in the front roof slope proposed constitute permitted development under Classes A (the rear extension), B (the rear roof dormer) and C (rooflights) of the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development)(Amendment) (No 2) (England) Order 2008.  
The proposals do not therefore require express planning permission and, provided they are constructed in accordance with the submitted plans and information, would be lawful for planning purposes.

## 10.0 RECOMMENDATION

**That a Certificate of Lawfulness is Issued under Section 192 of the Town and Country Planning Act 1990 (as amended) for the erection of a single storey rear extension, an addition to the rear roof slope and the introduction of two rooflights to the front roof slope of 89 Hobart Road, Cambridge.**

Reasons (to be included in Certificate)

It appears to the Local Planning Authority that the proposed single storey rear extension will not cover more than 50% of the curtilage (excluding the ground area of the original dwellinghouse) and will not exceed the limitations regarding size nor conflict with requirements regarding location for the enlargement, improvement or other alteration to a house outside a Conservation Area, set out in the legislation.

It appears to the Local Planning Authority that the proposed addition to the rear roof slope will not extend beyond the plane of the roof slope of a principal elevation or one that fronts a highway, will not exceed 40 cubic metres, will not exceed the height of the existing ridge.

Both additions will be built in materials to match the existing dwellinghouse.

It appears to the Local Planning Authority that the proposed rooflights will not exceed 150mm beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof or result in the highest part of the alteration being higher than the highest part of the original roof.

For these reasons it is considered that the proposed rear extension, the addition to the rear roof slope, and the proposed rooflights all fall within the limitations set under Classes A, B and C of the Town and Country Planning (General Permitted Development) (Amendment)(No 2) (England) Order 2008 and will therefore be lawful for planning purposes.

## FIRST SCHEDULE

The erection of a single storey rear extension, the addition to the rear roof slope and the introduction of two rooflights to the front roof slope.

## SECOND SCHEDULE

89 Hobart Road, Cambridge, as identified outlined in RED on the location plan attached to this Certificate.

### **DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: **10/0396/FUL**

Location: 17 Norfolk Street

Target Date: 29.06.2010

### To Note:

There is continuing concern about windows in the flank wall, including those on the ground floor. There is, however, some planting/screening both on the site and adjacent to the playground (though I recognise that that could go). Having considered the matter carefully I am not convinced that the visibility into the flat or out from the flat has such issues for occupiers or users of the spaces nearby as to justify refusal of the application.

Should Committee wish, I am of the opinion that all of the new windows in the flank wall that are introduced to first and second floor levels could be obscure glazed. I do not think that could be done at ground floor level.

### Amendments To Text:

#### Pre-Committee Amendments to Recommendation:

The S106 was completed on 16 August 2010, and therefore the recommendation should now read:

APPROVE, subject to the following conditions

### **DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: **10/0510/FUL**

Location: 8 Montreal Road

Target Date: 17.08.2010

To Note:

1 further letter received from the applicant, which I have attached to the amendment sheet.

No further officer comments.

Amendments To Text: no amendments.

Pre-Committee Amendments to Recommendation: no amendments.

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: **10/0520/FUL**

Location: 20 Seymour Street

Target Date: 29.07.2010

To Note: None

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: **10/0559/FUL**

Location: 41 Mill Road

Target Date: 02.09.2010

To Note: None

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

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