

Application reference: 24/1910/PS192
HAMPTON NORTH WARD

| Date application received | Date made valid | Target report date | 8 Week date |
|---------------------------|-----------------|--------------------|-------------|
| 25.07.2024 | 25.07.2024 | 19.09.2024 | 19.09.2024 |

Site:

73 Broad Lane, Hampton, TW12 3AX,

Proposal:

Erection of single storey detached outbuilding to be used as office and gym at rear of property. Height of the building 2.5 meters.

NO new access required.

Status: Pending Decision (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Mr Mohan Kripalani
86
Ormond Drive
Hampton
TW12 2TN

AGENT NAME

DC Site Notice: printed on and posted on and due to expire on

Consultations:

Internal/External:

Consultee

Expiry Date

Neighbours:

-

History: Development Management, Appeals, Building Control, Enforcements:

Development Management

Status: GTD

Date:15/07/1986

Application:86/0647

Retention of timber framed PVC roofed car port.

Development Management

Status: WDN

Date:11/07/2024

Application:24/0569/FUL

Demolition of existing detached house, summer house and sheds and construction of new detached house and associated parking and landscaping.

Development Management

Status: PDE

Date:

Application:24/1910/PS192

Erection of single storey detached outbuilding to be used as office and gym at rear of property. Height of the building 2.5 meters. NO new access required.

| | |
|---------------------------|---|
| Application Number | 24/1910/PS192 |
| Address | 73 Broad Lane, Hampton TW12 3AX |
| Proposal | Erection of single storey detached outbuilding to be used as office and gym at rear of property. |
| Contact Officer | Phil Shipton |

1. INTRODUCTION

The Town and Country Planning (General Permitted Development) Order 2015 (as amended) applies to all land in England and Wales, other than land which is the subject of a special development order, and specifies various classes of development which may be undertaken without the permission of the local planning authority. Such development, referred to as "permitted development", is deemed to have planning permission by the Order, and does not require an application for planning permission to be submitted to the Council.

The applicant has submitted an application for a Certificate of Lawful Development (Proposed). In assessing this application, the Council is making a determination of law as to whether or not the proposed development complies with the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Issues such as the policies contained in the Council's adopted Richmond Local Plan (2018) are not to be taken into consideration as the decision is based on fact and not on policy grounds.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The subject site consists of a two-storey detached dwellinghouse and semi-attached garage, located on the southern side of Broad Lane, Hampton.

The application site is situated within Hampton Village and is designated as:

- Area Susceptible To Groundwater Flood - Environment Agency
- Article 4 Direction Basements
- Community Infrastructure Levy Band
- Other Open Land of Townscape Importance
- Surface Water Flooding (Area Less Susceptible to) - Environment Agency
- Take Away Management Zone
- Gloucester Road and the Ormonds - Area 3 Hampton Village Character Area

It is noted that a TPO Area Group Wood designation occurs over the property at 96 Wensleydale Road, which neighbours the subject site. It is also noted that aerial photos from 2022 (StatMap) show the site has been cleared of vegetation for development, as per ref: 20/2155/FUL and 20/2500/FUL. As such, the TPO designation is considered to be void and have no relevance to the subject site.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The proposal involves the erection of single storey detached outbuilding to be used as office and gym at rear of property. The proposed outbuilding consists of glass panels on the northern facade of the building, with no windows or doors on any of the other facades. The proposed building will replace an existing structure/outbuilding in the same location.

The proposed outbuilding has the following dimensions: 2.5m (h) x 9.78m (w) x 4.6m (d).

The outbuilding is proposed to be setback from the boundaries by the following minimum distances:

West – 1.19m
 South – 0.34m
 East – 0.65m

The scheme seeks confirmation in the form of a lawful development certificate that the construction of the development described above would constitute permitted development.

The comprehensive list of planning history can be found above however the most relevant planning history includes the withdrawn application for the demolition of existing detached house, summer house and sheds and construction of new detached house and associated parking and landscaping, on the 10th July 2024 under the ref: 24/0569/FUL.

4. CONSULTATIONS CARRIED OUT

This is an application for a Certificate of Lawful Development (Proposed), which is a request to the Council to confirm that the development as specified does not require an application for planning permission to be submitted to the Council. In assessing this application, the Council is making a determination of law, and as such it is not considered to be necessary to undertake a public consultation.

6. EXPLANATION OF RECOMMENDATION

The application site is a dwellinghouse, and the application will be assessed against Schedule 2, Part 1 of the Town and Country (General Permitted Development) Order 2015 (as amended), which relates to "Development within the curtilage of a dwellinghouse".

Class E

The development *is* considered to be permitted development under Class E:

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure, for the following reasons:

E.1 Development is not permitted by Class E if—

| E.1 Development is not permitted by Class E if | Officer's Comment: |
|---|---|
| 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) | Complies |
| b. the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse) | Complies |
| c. 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 | Complies |
| (d) the building would have more than a single storey | Complies |
| e. the height of the building, enclosure or container would 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 | Complies (see section 3 for building dimensions) |
| f. the height of the eaves of the building would exceed 2.5 metres | Complies |
| g. the building, enclosure, pool or container would be situated within the curtilage of a listed building | Not applicable |
| h. it would include the construction or provision of a verandah, balcony or raised platform | Complies |
| i. it relates to a dwelling or a microwave antenna | Not applicable |
| j. the capacity of the container would exceed 3,500 litres; or | Not applicable |
| (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) | Complies |

| E.2 In the case of any land within the curtilage of the dwellinghouse which is within - | Officer's Comment: |
|--|---------------------------|
| a. a World Heritage Site, | Not applicable |
| b. a National Park, | Not applicable |
| c. an area of outstanding natural beauty or | Not applicable |

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|--|----------------|
| d. the Broads, | Not applicable |
| development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres | Not applicable |

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| E.3 | Officer's Comment: |
| E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) 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 | Complies |

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| E.4 | Officer's Comment: |
| E.4 For the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse | Complies |

7. RECOMMENDATION

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES /NO

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES* NO
 (*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
 (*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials): PSH

Dated: 09/08/2024

I agree the recommendation:

Team Leader/Head of Development Management/Principal Planner - EL

Dated:13/09/2024.....

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Head of Development Management:

Dated:

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|------------------------|
| REASONS: |
| CONDITIONS: |
| INFORMATIVES: |
| UDP POLICIES: |
| OTHER POLICIES: |

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

INFORMATIVES

| | |
|----------|--------------------------------|
| U0093615 | Building Regulations |
| U0093616 | Noise control - Building sites |