

Application reference: 24/2456/PS192
BARNES WARD

Date application received	Date made valid	Target report date	8 Week date
30.09.2024	30.09.2024	25.11.2024	25.11.2024

Site:

62 Ullswater Road, Barnes, London, SW13 9PN

Proposal:

Rear dormer extension, and single storey garden room. Front rooflights

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

APPLICANT NAME

Jessica Rowlands
62 Ullswater Road
Barnes
London
Richmond Upon Thames
SW13 9PN

AGENT NAME

Mr Edward Ward
40 Lisle Close
London
SW17 6LB

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

Consultations:

Internal/External:
Consultee

Expiry Date

Neighbours:

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

Development Management

Status: GTD Application:02/3097
Date:12/11/2002 Part Demolition Of Existing Side And Rear Extension. Construction Of Single Storey Rear Extension.

Development Management

Status: GTD Application:02/3096
Date:20/11/2002 Proposed Single Storey Side Extension.

Development Management

Status: GTD Application:02/3598
Date:29/01/2003 Proposed Loft Extension With Rear Dormer.

Development Management

Status: GTD Application:80/1362
Date:01/12/1980 Erection of a covered access at side of house.

Development Management

Status: PCO Application:24/2455/HOT
Date: Single storey side and rear extension.

Development Management

Status: PDE Application:24/2456/PS192
Date: Rear dormer extension, and single storey garden room. Front rooflights

Building Control

Deposit Date: 25.02.2002 Remove internal wall between kitchen & dining room
Reference: 02/0353/BN

Building Control

Deposit Date: 10.02.2003 Loft conversion.
Reference: 03/0244/BN

Building Control

Deposit Date: 04.04.2003 Single storey rear extension to dining room & utility side extn
Reference: 03/0645/BN

Building Control

Deposit Date: 20.08.2005 FENSA Notification of Replacement Glazing comprising 1 Windows and 0
Doors. Installed by Everest Ltd. FENSA Member No 12404. Installation ID
2983461. Invoice No SL1620AJ

Reference: 05/6385/FENSA

Building Control

Deposit Date: 12.10.2012 6 Windows
Reference: 13/FEN00652/FENSA

Building Control

Deposit Date: 13.03.2015 Install a gas-fired boiler
Reference: 15/FEN01035/GASAFE

Building Control

Deposit Date: 06.01.2017 Install replacement windows in a dwelling
Reference: 17/FEN00173/FENSA

Application Number	24/2456/PS192
Address	62 Ullswater Road Barnes London SW13 9PN
Proposal	Rear dormer extension, and single storey garden room. Front rooflights
Contact Officer	Sukhdeep Jhooti

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 application site comprises a two-storey, semi-detached dwelling within Barnes Village. The site currently benefits from a rear dormer rear extension granted via 02/3598 in 2003 which this application seeks to replace. It is not within a Conservation Area. It is not statutorily listed. There are no planning conditions or Article 4 Directions removing permitted development rights for the works specified in the description of development.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Rear dormer extension, and single storey garden room.

Volume calculation:

Rear dormer roof extension

Volume A - Hip to gable

$A \times B \times H/6$

$= 4 \times 9.55 \times 4.5/6$

Is 28.65m³

Volume B – Triangular Prism

$A \times B \times \frac{1}{2} \times L$

$= 3 \times 2.4 \times \frac{1}{2} \times 5.8$

= 20.88 cubic metres

Total volume of extension is

Volume A plus Volume B

$= 28.65 + 20.88$

= 49.53 cubic metres

Total: 49.53m³

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.

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.

5. AMENDMENTS

None

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 B

The scheme *is* considered to be permitted development under Class B 'The enlargement of a dwelling house consisting of an addition or alteration to its roof' for the following reasons:

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

B.1 Development is not permitted by Class B 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 (changes of use);	Complies
(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	Complies
(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;	Complies
(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than— (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;	Complies (Please see calculations set out under 'Proposals' above)
(e) it would consist of or include— (i) the construction or provision of a verandah, balcony or raised platform, or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;	Complies
(f) the dwellinghouse is on article 2(3) land;	Complies
(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or	Complies
(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys)	Complies

B.2 Development is permitted by Class B subject to the following conditions—

B.2 Development is permitted by Class B subject to the following conditions—	Officer's Comment:

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Complies. This is confirmed on Plan 24069_P2_30 Proposed Elevations
(b) the enlargement must be constructed so that— (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension— (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and	Complies
(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must 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.	Complies

Class C

The development *is* considered to be permitted development under Class C 'Any other alteration to the roof of the dwelling house' for the following reasons:

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

C.1 Development is not permitted by Class C 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 (changes of use);	Complies
(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;	Complies. See Plan 24069 P2 20 Proposed Section.
(c) it would result in the highest part of the alteration being higher than the highest part of the original roof;	Complies
(d) it would consist of or include - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment;	Complies
(a) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	NA

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be	Officer's Comment:
(a) obscure-glazed; and	Complies
(b) 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.	Complies

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; or**
(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas

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
(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	Complies
(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	Complies
(j) the capacity of the container would exceed 3,500 litres; or	Complies
(k) the dwellinghouse is built under Part 20 of this Schedule	NA

(construction of new dwellinghouses)	
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E.2

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
(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	

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

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	<p>The detached outbuilding proposed measures 8.9m wide and is 5m deep at its deepest point, resulting in a footprint of 44.5sqm.</p> <p>The height of the outbuilding would be 2.5m which adheres to the parameters of the General Permitted Development Order 1995 Act.</p> <p>To put this into some context the original garden is approximately 713sqm. Therefore, the outbuilding proposed is approximately 6.24% of the size of the rear garden. It is stated on the plans submitted that the outbuilding proposed would be used as a 'gym, office and store'</p> <p>Class E of the GPDO grants planning permission "for the provision within the curtilage of a dwellinghouse of any building or enclosure required for a purpose incidental to the enjoyment of the</p>

	<p>dwellinghouse as such.” The courts have held that the word “required” in this context should be interpreted to mean “reasonably required”, subject to various restrictions on size.</p> <p>The key consideration, therefore, is whether the outbuilding is reasonably required for purposes incidental. Given the size of the existing house, it is considered that such uses cannot all be contained within the subject dwelling as the rooms would be either used for bedrooms or living areas such as kitchen.</p> <p>A Statement of Use for the Outbuilding dated 04.10.24 has been supplied.</p> <p>The Council is satisfied that a building of the size proposed is reasonably required. Therefore, the proposed outbuilding is considered to be incidental to the enjoyment of the dwellinghouse.</p>
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7. RECOMMENDATION

Grant Certificate

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): SJH

Dated: ...22.10.2024

I agree the recommendation:

Senior Planner

Dated: EMC 24.10.24

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: