

LDC Report		23/10/2009
Officer		Application Number
Gavin Sexton		2008/4625/P
Application Address		Drawing Numbers
41 Sumatra Road London NW6 1PS		See decision notice
PO 3/4	Area Team Signature	Authorised Officer Signature
Proposal		
Certificate of lawfulness for proposed single storey rear/ side extension to dwellinghouse.		
Recommendation: Refer to Draft Decision Notice		
Relevant cases		
In April 2009 (2009/0293/P) an LDC application for a broadly similar case of a rear extension wrapping around the closet wing was approved. The case was of particular relevance with regard to considering A.1(h)(iii).		
Assessment		
Site History		
In 2007 a certificate of lawful development was granted (2007/3848/P) for the 'Erection of single-storey rear ground floor level extension to existing single-family dwellinghouse (Class C3)'. The current application proposes a wider rear extension which projects slightly less into the rear garden.		
The applicant submitted the current application in mid August 2008 but it was incomplete. This was not remedied by the applicant until Sept 2009. In the interim the relevant General Permitted Development legislation was amended and came into force. Therefore the details submitted relate to a previous and no longer relevant piece of legislation. However sufficient details have been submitted to assess the submission against the new legislation.		
Site		
The single storey rear extension would be 3.06m tall at it highest point, projecting forward from the side elevation by 1.75m and projecting beyond the rear wall of the existing closet wing by 1.925m. The existing closet wing is 3m wide. The eaves of the extension would be approx 2.6m tall.		
The full criteria are as follows:		
A.1 Development is not permitted by Class A if—		

- (a) as a result of the works, the total area of ground covered by 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);

Complies – Dimensions of the rear garden are not provided, however the LDC granted in 2007 was granted for a rear extension of comparable plan size and included this test for curtilage size so it is considered to comply.

- (b) 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;
- (c) 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;

Complies - The existing house is two storeys, the extension is a single storey ground floor extension

- (d) the enlarged part of the dwellinghouse would extend beyond a wall which—
- (i) fronts a highway, and
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

Not applicable – The extension does not extend beyond a wall which fronts a highway

- (e) 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) exceed 4 metres in height;

Complies – The extension would extend beyond the rear wall of the original dwellinghouse by less than 3 metres and would not exceed 4 metres in height

- (f) the enlarged part of the dwellinghouse would have more than one storey and—
- (i) extend beyond the rear 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 opposite the rear wall of the dwellinghouse;

Not applicable – The extension is single storey

- (g) 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;

Complies - the extension would be within 2 metres of the boundary and the eaves would not exceed 3 metres in height

- (h) 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 one storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse; or

Complies: the extension would extend beyond a wall forming a side elevation, would not exceed 4m in height, would be a single storey, and in respect of the side extension it would not be more than half the width of the original dwelling house (the width of the original dwellinghouse is 4.4m and the proposed side extension would be 1.76m wide).

- (i) 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 and vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse.

Complies – It would not consist of or include any of the above

A.2 Relates to dwellinghouses on article 1(5) land such as conservation areas. The dwellinghouse is not on article 1(5) land so this section is not applicable.

A.3 Development is permitted by Class A subject to the following conditions –

(a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse -

Annotations on the drawings indicate that the rear extension would be finished in '103mm face brickwork to match existing'. No information has been provided on the materials for existing or proposed door and window frames.

Conditions (b) and (c) relate to upper floor windows and extensions of more than one storey so are not applicable in this case.

Summary

The single storey rear extension is permitted under Class A of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by (No. 2) (England) Order 2008.

Recommendation

Grant Certificate of Lawfulness for proposed development.

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