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**APPLICATION FOR A CERTIFICATE OF LAWFULNESS  
(PROPOSED DEVELOPMENT)**

**IN RESPECT OF**

**REPLACEMENT OF DOOR WITH WINDOW**

**AT**

**7 BRIDGE HILL  
ST COLUMB MAJOR  
TR9 6BY**

**ON BEHALF OF**

**MRS JUDITH HUGHES**

**Our ref: 23298**

**SEPTEMBER 2023**

**30** YEAR ANNIVERSARY

Realising Development Potential Limited, registered in England and Wales.  
Company No. 06851240. Registered Office: Helford House, May Court,  
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**CONTENTS:**

**1. EXECUTIVE SUMMARY .....2**

**2. SITE DESCRIPTION AND BACKGROUND.....3**

    2.1 Site Description..... **Error! Bookmark not defined.**

    2.2 Planning History.....3

**3. PROPOSED DEVELOPMENT.....4**

    3.2 Relevant Legislation.....4

**4. CONCLUSIONS .....9**



## **1. EXECUTIVE SUMMARY**

- 1.1.1 Laurence Associates is retained by Mrs Judith Hughes ('The Applicant') to progress an application for a Certificate of Lawfulness under Section 192 of the Town and Country Planning Act 1990 (TCPA 1990) to establish that the proposed replacement of door with window at 7 Bridge Hill, St Columb Major, TR9 6BY comprises permitted development and can therefore be progressed without the need for planning permission.
- 1.1.2 Section 192(1)(b) TCPA 1990 states that a person may wish to ascertain that proposed operations on, over or under land are lawful.
- 1.1.3 Section 192(2) TCPA 1990 states that if the Local Planning Authority (LPA) is provided with information satisfying them that proposed operations would be lawful if instituted or begun at the time of the application, the LPA must issue a certificate to that effect.
- 1.1.4 This Statement explains how the alterations and extensions, as illustrated on the submitted plans, fall firmly within the limitations set out within Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 1.1.5 For the reasons set out, it is submitted that the issuing of a Certificate of Lawfulness is appropriate and should be forthcoming.

## 2. SITE DESCRIPTION

2.1.1 The site comprises a semi-detached, two storey dwelling which fronts onto Bridge Hill. The property has a large garden and has in recent years been subject to an extension to the rear of the property. 7 Bridge Hill is located in a residential area, with residential development located to the, south, west and east of the site.

2.1.2 The site is within the conservation area but is not itself a designated heritage asset; amis not within an area where permitted development rights have either been removed or limited by an Article 4 Direction, nor have any previous permissions relating to the property restricted future permitted development rights. In addition to this, there are no Tree Preservation Orders/Areas on the site.

## 2.2 PLANNING HISTORY

2.2.1 A search of Cornwall Council's planning register was undertaken to understand the planning history for the site:

- **PA22/02915:** Demolition of existing rear two storey extension, with a replacement two storey rear extension and a connecting single storey extension without compliance with condition 2 detailed in decision notice PA20/05870 dated 23/09/2020—Approved with conditions on 10<sup>th</sup> May 2022.
- **PA22/00809:** Non-material amendment in relation to decision notice PA20/05870 dated 23.09.2020: windows and doors to have Grey Powder Coated Aluminium and Fascia's and Barge Boards to be Grey UPVC.—Decided Not acceptable as amendment on 23<sup>rd</sup> February 2022.
- **PA20/05870:** Demolition of existing rear two storey extension, with a replacement two storey rear extension and a connecting single storey extension—Approved with conditions on 23<sup>rd</sup> September 2020.
- **C2/77/00748:** ERECTION OF STORM PORCH TO EXISTING DWELLING—Approved with conditions on 31<sup>st</sup> August 1977.

### **3. PROPOSED DEVELOPMENT**

- 3.1.1 The proposed development consists of the replacement of the existing original front door of the property with a window. The space which the existing door occupies will be partially replaced with bricks, so that the proposed window will be of the same size as, and in line with the existing windows on the ground floor of the building.
- 3.1.2 Full details illustrating the above can be seen on the submitted Proposed Plans and Elevations.
- 3.1.3 The design, style and choice of materials have been selected through careful consideration between the applicant and the architect. The resultant scheme reflects the architectural style of the existing property and character of the wider, surrounding area and the St Columb Major Conservation Area.

### **3.2 RELEVANT LEGISLATION**

- 3.2.1 For the purposes of this application, the relevant parts of Section 192 of the TCPA 1990 are as follows:
- ‘If any person wishes to ascertain whether—
- (a) any proposed use of buildings or other land; or
  - (b) any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question
- 3.2.2 For the purposes of this Act uses and operations are lawful at any time if —
- If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.
- 3.2.3 A certificate under this section shall—
- (a) specify the land to which it relates;

- (b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);
- (c) give the reasons for determining the use or operations to be lawful; and
- (d) specify the date of the application for the certificate.

- 3.2.4 The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.'
- 3.2.5 Class A, and Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) are relevant to this application; as set out below.

Part 1, Class A – enlargement, improvement or other alteration of a dwelling house

- 3.2.6 *Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is relevant as it states that development is not permitted by Class A if:*
- 3.2.7 *(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)*

**The proposed development complies**

- 3.2.8 *(b) 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);*

**The proposed development complies**

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3.2.9 *(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;*

**The proposed development complies**

3.2.10 *(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;*

**The proposed development complies**

3.2.11 *(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;*

**The proposed development complies/Not applicable to the proposed development**

3.2.12 *(f) subject to paragraph (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. exceed 4 metres in height*

**Not applicable to the proposed development**

*(g) until 30th May 2019, 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—*

- iii. 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*

- iv. *exceed 4 metres in height*

**Not applicable to the proposed development**

3.2.13 *(h) the enlarged part of the dwellinghouse would have more than a single 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 to the proposed development**

3.2.14 *(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;*

**Not applicable to the proposed development**

3.2.15 *(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; or*

**Not applicable to the proposed development**

3.2.16 *(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 and vent pipe, or*

iv. *an alteration to any part of the roof of the dwellinghouse.*

**The proposed development complies**

3.2.17 The site is located within the St Columb Major Conservation Area, and so **A.2** is relevant to this application:

3.2.18 **A.2** states that: *In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—*

3.2.19 *(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;*

**The proposed development complies**

3.2.20 *(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or*

**Not applicable to the proposed development**

3.2.21 *(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.*

**Not applicable to the proposed development**

*Conditions*

3.2.22 **A.3** sets out the conditions associated with Class A, stating that: *Development is permitted by Class A subject to the following conditions—*

3.2.23 *(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*

**The proposed development complies.**

- 3.2.24 *(b) any upper-floor window located in 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; and*

**Not applicable to the proposed development**

- 3.2.25 *(c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.*

**Not applicable to the proposed development**

#### **4. CONCLUSIONS**

- 4.1.1 National Planning Practice Guidance (reference Paragraph: 006 Reference ID: 17c-006-20140306) indicates that in the case of applications for proposed developments, a local planning authority should be provided with sufficient clarity and precision so that it can fully understand what is involved.
- 4.1.2 A written assessment has been provided which confirms that the proposed replacement of the existing front door with a window, as shown on the submitted Proposed Plans fall firmly within the limitations as set out in Class A of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); and as such, constitutes permitted development.

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4.1.3 Accordingly, it is considered that a Certificate of Lawfulness for the proposed development at 7 Bridge Hill can be issued in line with the provisions of Section 192(3) of the TPCA 1990.

4.1.4 Should any further points arise from this submission, I would ask that the matters are referred back to this company, as agents for the applicant, before any formal decision is made on the application.

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