

Bromley Council  
Town Planning  
Civic Centre  
Stockwell Close  
Bromley  
BR1 3UH

Email: [planning.admin@bromley.gov.uk](mailto:planning.admin@bromley.gov.uk)

13/11/2023

Applicant: Mr and Mrs Hamilton, 2 Melody Road, Biggin Hill, TN16 3PG

Description: Resubmission of 23/03312/ELUD Removal of single storey prefabricated conservatory extension to side and replaced with masonry built single storey side extension, elevational alterations.

LAWFUL DEVELOPMENT CERTIFICATE (EXISTING)

## Planning History

Reference: 99/02920/FULL1  
Description: Single storey side extension for conservatory  
Status: Permitted  
Date: 08.12.1999

Reference: 23/02552/PLUD  
Description: Single storey side extension  
Status: Refused  
Date: 24.08.2023

Reference: 23/03312/ELUD  
Description: Removal of single storey prefabricated conservatory extension to side and replaced with masonry built single storey side extension, elevational alterations. LAWFUL DEVELOPMENT CERTIFICATE (EXISTING)  
Status: Refused  
Date: 26.10.2023

## PREVIOUS DECISION NOTICE & DELEGATED DECISION

The following section presents the Decision Notice and accompanying Delegated Report provided for the previous planning refusal Reference **23/03312/ELUD**.

The information provided in this section, comprising summary of the Local Authority conclusions in respect of relevant planning policies are taken directly from the Delegated Decision and has not been altered in anyway thereafter.

## DECISION NOTICE

The decision notice issued on 26<sup>th</sup> October 2023 states that, the Council of the London Borough of Bromley, in exercise of its powers as local planning authority under the above Act, has **REFUSED** planning permission for the development, referred to in your application received on 31<sup>st</sup> August 2023. Reason being:

The proposal as submitted would not constitute permitted development by virtue of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## DELEGATED DECISION

### **Location and Key Constraints**

The application site comprises of a single storey dwelling on the northern side of Melody Road, Biggin Hill. The property is not listed and does not lie within an area of special designation. The area is residential in character.

### **Comments from Local Residents and Groups**

Nearby owners/occupiers were notified of the application and no representations were received.

### **Planning considerations**

The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and specifically whether any limitations/conditions of the Order are infringed.

## Conclusion

Class A permits the enlargement, improvement or alteration of a dwellinghouse. In this instance the proposed extension is not considered to fall within the scope of Class A for the following reasons:

- Under Class A.1(d), a development is not considered permitted development where "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 eaves height of the main dwellinghouse is 2.74m and the eaves height of the proposed extension is 2.94m.
- The application form also states that works commenced on 01/08//2023.

Having had regard to the above it is considered that the proposed extension, as submitted, would not constitute permitted development under Class A of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is therefore recommended that this application is refused.

## Decision

Existing Use/Development is Not Lawful

## RESUBMISSION FOR CERTIFICATE OF LAWFUL DEVELOPMENT EXISTING USE

The following section presents the relevant information accompanying the application for resubmission of the previous refusal, reference **23/03312/ELUD**.

### AMENDED DEVELOPMENT DESCRIPTION

Removal of Existing Side Conservatory Extension and replacement with:

Single Storey Side Extension 2.7m in width & 6.2m in length with Flat Roof at a finished height of 2.9m to match Original Single Storey Garage and Top of Original Roof Eaves. To be finished in Facing Brick to match Original Dwelling & include widening of existing window on front elevation.

### DESIGN CHANGES

Reduction of Flat Roof Height to 2.9m to meet top of eaves, measured from highest point of external finishes forming eaves, soffit and fascia, and to match top of original flat roof on opposite side of dwelling and over original garage.

### CONCLUSIONS

#### **Reason For Refusal**

Reason given for previous refusal relates to height of proposed flat roof being higher than that of the original eaves height and in so doing not complying with Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development).

#### **Resolution Presented in Resubmission**

The supporting drawings & photographs, provided with this statement and as part of this application, demonstrates that the eaves height of the original dwelling, as seen externally by the soffit & fascia finish 2.9m, not the top of the fascia, and is the point at which the top of the original flat roof, or eaves, above the garage meets the pitched roof of the dwelling.

The drawings presented also demonstrate that the proposed flat roof height is to be 2.9m and therefore in line with the top of eaves and matching top of flat roof, or eaves, above original garage.

The application gave the correct date of commencement of building works as 01/08/2023 therefore requiring a Lawful Development Certificate (Existing) application. All works forming the buildings external footprint & shell, including openings and roof construction, are now complete with only minor external finishes & internal fit-out remaining. Therefore, it is considered a LDC (Existing) is again the appropriate application in this instance.