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Bristol
BS36 1RU

January 2024

South Gloucestershire Council
Department for the Environment and Community Services
South Gloucestershire Council
Planning Services
PO Box 1954
Bristol
BS37 0DD

Dear Sir / Madam

Heron Cottage, Old Gloucester Road, Winterbourne, BS36 1RU
"Proposed enlargement of existing rear conservatory"
Certificate of Lawfulness Submission

Please find enclosed an application for a Certificate of Lawfulness (Proposed Development) in respect of a proposed single storey rear extension at Heron Cottage, Old Gloucester Road, Winterbourne. I believe the proposed works constitute Permitted Development as set out in Schedule 2, Part 1, Classes A & D, and Part 14, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Accordingly, I enclose an application for a Certificate of Lawfulness to confirm that the works are Permitted Development.

The application is accompanied by the relevant completed form. The required application fee has been paid.

In order to appropriately describe the development, the following drawings are submitted:

- Heron Cottage Amended Plans.pdf

I will now set out comments against the relevant parts of Class A to demonstrate why the proposed scheme is Permitted Development. (The legislation is set out in **bold** with my comments alongside).

Schedule 2, Part 1, Class A

Enlargement, improvement or other alteration of a dwellinghouse

Development is not permitted by Class A if:

a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use) The dwelling has not been granted by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of the GPDO.

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 total area of ground covered by buildings with the curtilage (other than the original dwellinghouse) will not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

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 rear extension will not exceed the height of the highest part of the existing dwelling.

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 height of the eaves of the rear extension will not exceed the height of the eaves of the existing dwelling.

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 extension is to the rear and does not extend beyond the principal elevation or an extension which fronts a highway and forms a side elevation of the original dwelling.

f) 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 The subject dwelling is detached, the depth of the rear extension does not exceed 4 metres, and the height of the extension does not exceed 4 metres.

g) 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—(i) 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 (ii) exceed 4 metres in height The proposed development does not seek to benefit from this criterion.

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 be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse This criterion is not relevant as the proposed extension does not have more than one storey.

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 The extension does not fall within 2 metres of the site boundary and the eaves of the proposed extension do not exceed 3 metres.

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 The proposed extension does not extend beyond a wall forming a side elevation of the original dwellinghouse, exceed 4m in height, have more than a single storey or have a width greater than half the width of the original dwellinghouse. **Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)** This criterion is not prejudiced

k) It would consist of or include—(i) the construction or provision of a verandah, 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 None of the works set out in this criterion are relevant to this proposal.

l) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) The dwelling was not built under Part 20.

I will now set out comments against the relevant Conditions of Classes A.2 & A.3 to demonstrate why the proposed scheme is Permitted Development. (The legislation is set out in **bold** with my comments alongside).

Firstly, the site is not on Article 2(3) land (i.e. it does not fall within a Conservation Area of an Area of Outstanding Natural Beauty).

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 single storey rear extension will incorporate stonework and tiles together with double glazed windows and doors, all to have a similar appearance to those used in the construction of the existing property.

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 No such upper floor windows are proposed and therefore this criterion is not affected.

Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse The proposed works are single storey and therefore this criterion is not affected.

As you will see from the above analysis I am confident that the scheme as proposed meets all the relevant criteria of the GPDO and accordingly a Certificate of Lawfulness should be approved.

In addition to the above, following our pre-application enquiry made on 4th January 2024 ref: PRE24/0004 a response was received which states as follows:

A Certificate of Lawfulness (ref P23/03085/CLP) was refused on 30/11/2023 due to the proposal for a rear conservatory not failing the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as it failed Schedule 2, Part 1, Class A, Part (j) (iii), as the width of the proposed conservatory was greater than half of the overall width of the host dwellinghouse.

This revised proposal does not have a width greater than the original dwellinghouse width. The width of the existing host dwellinghouse extends to a width of 22.73 meters. Therefore, this proposed single storey conservatory would extend to a total width of 11.3 meters from the existing side elevation and to a depth of 4.0 meters from the existing rear elevation.

This revised rear conservatory proposal would be likely to receive officer support, should an application be submitted.

I trust that you have sufficient information to provide this confirmation, and a prompt determination will be greatly appreciated.

Yours sincerely

Lloyd Smallridge
Applicant/Property Owner

Mobile [REDACTED]

Email [REDACTED]