

15 January 2024

Planning Department
The Royal Borough of Windsor and Maidenhead
Planning Department
Town Hall
St Ives Road
Maidenhead
SL6 1RF

To Whom It May Concern,

PERMITTED DEVELOPMENT APPLICATION FOR BATH COTTAGE, BATH ROAD, LITTLEWICK GREEN, SL6 3QR FOLLOWING REFUSAL OF APPLICATION 23/03120.

I have been instructed by my clients to prepare and submit the enclosed drawings in support of a revised certificate of lawfulness application for permitted development to RBWM in relation to the construction of a detached garage.

The previous application was refused on two points:

1. The eaves height scaled at more than 2.5m: I have checked and added dimensions clearly identifying the eaves height at maximum 2.5m.
2. The proposed size: Rather than seeking clarification, the case officer refused the application as they felt that there was insufficient information to demonstrate that the proposed garage would be "incidental to the enjoyment of the dwellinghouse by virtue of the size (in particular excessive depth) and use of the proposed outbuilding." I have therefore added further detail to the accompanying application drawings showing that the proposed garage provides the minimum clear dimensions required by RBWM Planning Policy of 3 x 6m to accommodate a vehicle, leaving just enough internal space to the rear of the garage to store the family's bicycles, motorcycle and gardening equipment along with some built-in storage to the rear wall whilst still being able to move around these items when accessing the garage. We feel this adequately demonstrates that the proposed size is not too large and does accommodate uses incidental to the enjoyment of the dwellinghouse. **Alison Long has also reviewed the previous application and advised that further detail on the plan layout would be beneficial to explain the proposed use. Please speak to Alison Long if this is unclear.**

SUMMARY OF MAIN ISSUES IN ORDER TO COMPLY WITH PERMITTED DEVELOPMENT RIGHTS

This application is for a Certificate of Lawfulness for a proposed development. This decision is based only on legal issues involved and is not a discretionary matter. As such Local Plan Policies are not relevant for this application with the determination made only in relation to the relevant provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended); see italicised text below.

Class E – buildings etc

E.1 Development is not permitted by Class E if–

(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)

Permission to use the dwellinghouse as a dwellinghouse has not been granted by virtue of Class M, N, P, PA or Q of Part 3 of Schedule 2 to the Order. **The proposal 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)

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 not exceed 50% of the total area of the curtilage. **The proposal 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.

The proposed garage is not situated on land forward of the principal elevation of the dwelling house. **The proposal complies.**

(d) the building would have more than a single storey

The proposed garage is single storey. **The proposal 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

The proposed garage has a pitched roof and is a maximum of 4m in height with eaves at 2.5m and set out more than 2m from the boundary. **The proposal complies.**

f) the height of the eaves of the building would exceed 2.5 metres.

The proposed eaves are a maximum of 2.5m in height. **The proposal complies.**

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building

The proposed garage is not situated within the curtilage of a listed building. **The proposal complies.**

(h) it would include the construction or provision of a verandah, balcony or raised platform

The proposed garage does not include the construction or provision of a verandah, balcony or raised platform. **The proposal complies.**

(i) it relates to a dwelling or a microwave antenna

The proposed garage does not relate to a dwelling and does not include a microwave antenna. **The proposal complies.**

(j) the capacity of the container would exceed 3,500 litres

The proposed garage is not a container. **The proposal complies.**

E.2 In the case of any land within the curtilage of the dwellinghouse which is within -

(a) a World Heritage Site,

(b) a National Park,

(c) an area of outstanding natural beauty or

(d) the Broads,

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

The application site is not on article 2(3) land. **The proposal complies.**

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

The application site is not on article 2(3) land. **The proposal complies.**

E.4

Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 relates to 'The provision within the curtilage of the dwellinghouse of 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'. 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.

Consideration of what is 'incidental to the enjoyment of the dwellinghouse' raises two questions: is the purpose of the proposed outbuilding incidental to the enjoyment of the dwellinghouse as such and, if so, is the proposed outbuilding reasonably required for that purpose.

The accompanying application drawings clearly demonstrate that the size of the proposed garage is appropriate for the intended use and this use is clearly incidental to the enjoyment of the dwellinghouse. (Incidental use refers to minor, secondary or complementary uses that are concurrent with main use.)

I trust this summary will assist in your review of these proposals.

Yours sincerely,



Bronwen Gombert

CONNECTED ARCHITECTURE