

Planning East Team  
East Devon District Council  
Council Offices  
Blackdown House  
Honiton,  
Devon  
EX14 1EJ

12<sup>th</sup> February 2024

Dear Planning team,

**Description:** Lawful Development Certificate (Proposed use) rear and side extension  
**Applicant:** Sarah Taylor and Rhys Jones  
**Address:** Barafundle, Bunts Lane, Seaton, Devon. EX12 2HY

Please find enclosed a lawful development certificate application in respect of the above for Sarah Taylor and Rhys Jones. The application is accompanied by drawings and supporting documents, which include the contents of this letter.

The application seeks approval through a lawful development certificate to extend the rear extension, remove a shed and extend and infill to the side at the back of the house. The 4-bedroom property is located on Bunts Lane, Seaton. It is a detached property with a separate garage building. The property is not located within East Devon's National Landscape. The site is located in flood zone 1, which is land with a low probability of flooding from rivers and sea. There are no significant trees nearby that could be affected by this.

Previous planning history

01/P1563:	Double Garage With Room Over	Status: Approval with conditions
03/P2467:	Replace Summer House With Outbuilding To House Two Vintage Cars	Status: Approval - standard time limit

The planning history shows that there has been support from East Devon District Council for development to the property.

Permitted development rights allow householders to improve and extend their homes without the need to apply for planning permission where that would be out of proportion with the impact of works carried out.

Householder permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") as amended. Part 1 of Schedule 2 to the Order sets out the permitted development rules concerning what enlargements, improvements, alterations and other additions a householder may make to their house and the area around it without the need for an application for planning permission.

We believe that the proposed extensions are within the permitted development rules and this is shown below with relevant extracts from the technical guidance document.

Class A covers the enlargement, improvement or alterations to a house such as rear or side extensions as well as general alterations such as new windows and doors. There is a neighbour consultation scheme for larger rear extensions under Class A, paragraph A.1(g).

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 M, N, P, PA or Q of Part 3 of this Schedule (change of use)*

We are of the opinion that the dwellinghouse was not granted use by the above.

*(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)*

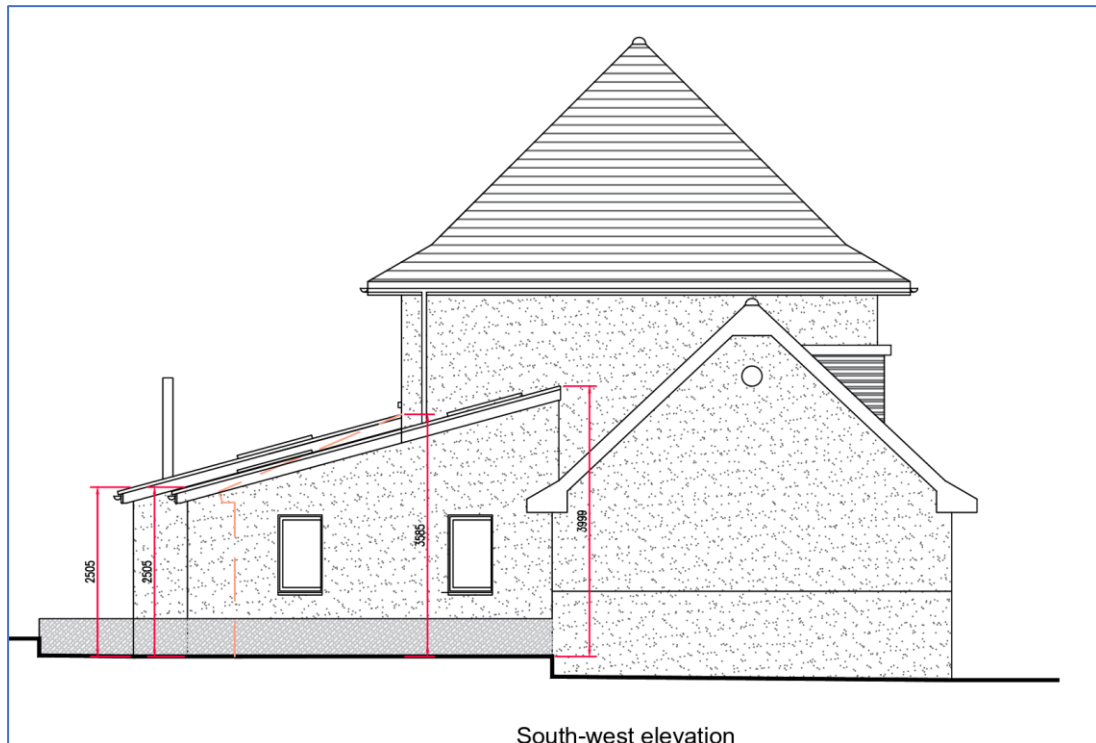
The total area of the curtilage is 1062m<sup>2</sup> so 50% of this would be 531m<sup>2</sup>, the total area of the original dwelling and proposed extensions is 171m<sup>2</sup> so it is 16% of the curtilage.

*(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 ridge of the dwelling is 9.47m high, the highest part of the proposed extension is 3.99m.

*(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 eaves is 2.35m and the eaves on the dwellinghouse is 5.86m.



South-west elevation with proposed extension and dimensions

*(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*

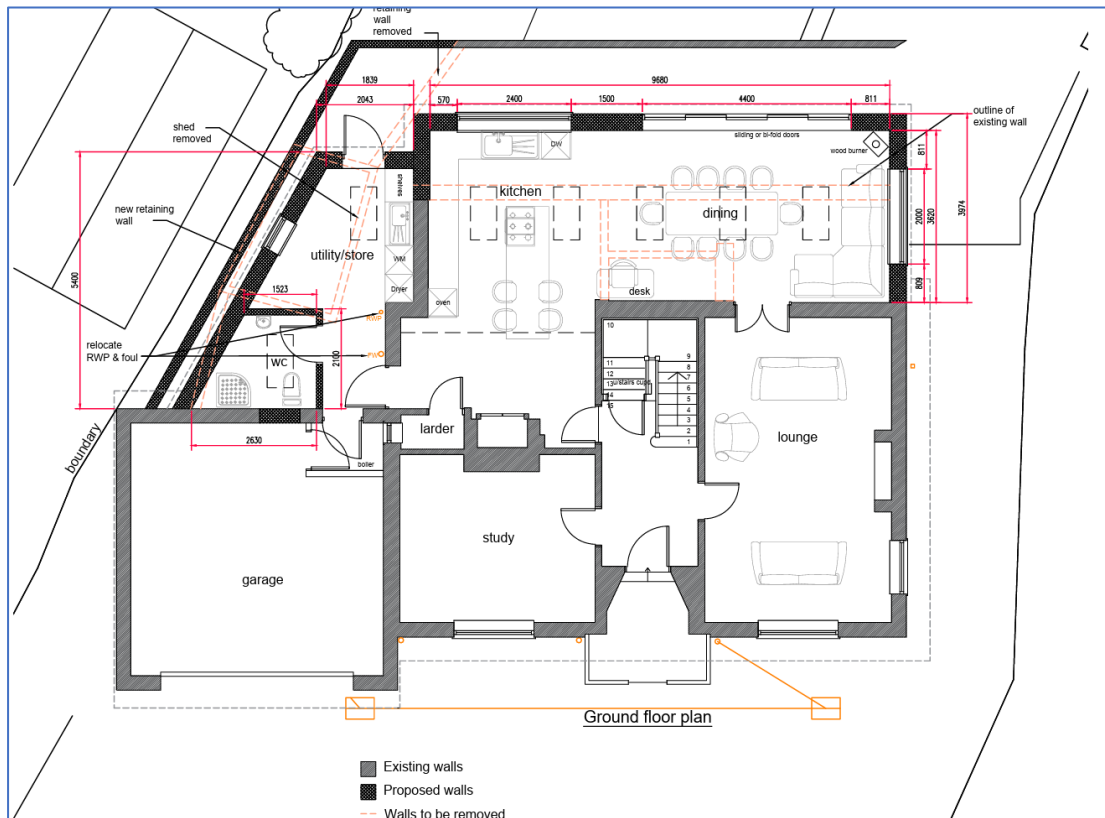
The proposed extension is at the rear of the property, so the principal elevation is unaffected.

- (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 site is not on article 2(3) land, it does not extend beyond 4m or exceed 4m in height.

- (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 is a single storey and will extend to 3.974m beyond the original dwellinghouse and it will not exceed 4m in height. The floor plan and elevations drawings below shows the extension with dimensions of the proposed extension.



Floor plan showing dimensions of the proposed extension



- 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 being enlarged which is opposite the rear wall of that dwellinghouse*

The extension does not have more than a single 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 is within 2m of the boundary, but the eaves do not exceed 3m, they are 2.35m.

- (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 original width of the dwellinghouse is 11m, the extension extends beyond a part of a wall forming a side elevation of the original dwellinghouse, but it does not exceed 4m, have more than one storey and the maximum width of the extension is 4.48m, less than half of 11m.

- (ja) 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 has been shown that it does not, above.

- (k) it would consist of or include –*
- (i) the construction or provision of a verandah, balcony or*
  - (ii) raised platform, 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.*

There is no balcony, raised platform or alteration to any part of the roof of the dwellinghouse. It is proposed to install a new flue for a log burner, but this is covered in Class G below.

*A.2 In the case of a dwellinghouse on article 2(3) land...*

This site is not on article 2(3) land.

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

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

The proposed materials are to be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Class G - Chimney, flues, etc

This provides permitted development rights for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

*G.1 Development is not permitted by Class G 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)*

*(b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or*

*(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which-*

*(i) fronts a highway, and*

*(ii) forms either the principal elevation or a side elevation of the dwellinghouse.*

The height of the proposed chimney is below the highest part of the roof.

We trust that the enclosed documentation, application, and drawings contain the information required to support this application.

Should you have any questions, please feel free to contact me.

Yours sincerely,

Sebastian Cope