

15 February 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 23/03119.

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 extension of their home following the refusal of application 23/03119.

The proposals have not changed and still consist of the following:

1. Single storey side extension (less than half the width of the original dwelling with maximum eaves height of 3m),
2. Single storey side and rear extension (less than half the width of the original dwelling, maximum 4m beyond original rear wall of dwelling and maximum 4m in height),
3. Single storey rear extension (maximum 4m beyond original rear wall of dwelling and less than 4m in height),
4. 2 No. porch extensions to the existing front and rear doors (each a max 3m² in footprint, less than 3m in height and more than 2m from the boundary).

The previous application was refused due to a misunderstanding regarding the eaves height of the proposed side extension that is within 2m of the West boundary. The case officer did not understand that the proposed extension has a flat roof with parapet wall, but that the roof eaves are a maximum of 3m in height as required under permitted development. To assist and avoid any further confusion, an additional section has been drawing through this proposed extension to provide clarity on the proposed roof design. There are two sections – both showing the design intention for the proposed East and West extensions where they have a parapet wall to match the existing dwelling, but the roof eaves are lower behind the parapet wall and comply with the required eaves / maximum heights under permitted development. If any further explanation is needed, it would be appreciated if the case officer seeks clarification from the agent. Alison Long has also reviewed the previous application and advised that a further section would be beneficial to explain the proposals.

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 A – enlargement, improvement or alteration

Does the site benefit from permitted development rights:

Yes, the site does benefit from permitted development rights.

A. The enlargement, improvement or other alteration of a dwellinghouse.

A.1 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, PQ or Q of Part 2 of this Schedule (changes 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 2 of this Schedule.

The proposals comply.

(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);

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 proposals comply.

(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 height of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse.

The proposals comply.

(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 part of the dwellinghouse enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse.

The proposals comply.

(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 enlarged part of the dwellinghouse would not extend beyond a wall which forms the principal elevation of the original dwelling or fronts a highway and forms a side elevation of the original dwellinghouse.

The proposals comply.

(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

The proposals comply.

(g) Until the 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—

(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;

N/A

(h) the enlarged part of the dwellinghouse would have more than one 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 enlarged part of the dwellinghouse would not have more than one storey or be within 7m of the boundary.

The proposals comply.

(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 one side extension is within 2 metres of the boundary of the curtilage but the eaves will not exceed 3m in height.

The proposal complies.

(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 one storey, or
(iii) have a width greater than half the width of the original dwellinghouse; or

The proposals comply.

(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 subparagraphs (e) to (j)

The proposals comply.

(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 enlargement does not consist of or include any of the above.

The proposals comply.

- A.2** *In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if -*
- (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;*
 - (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or*
 - (c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse*
 - (d) 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 subparagraphs (b) and (c)*

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

The proposals comply.

Conditions

- 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;*
 - (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 1.7m above the floor of the room in which the window is installed.*
 - (c) 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 proposals comply.

Class D – Porches

This provides permitted development rights for the erection of a porch outside any external door of a house.

D1. Development is not permitted by Class D 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)

The erection of a porch is not permitted where the house was created under the permitted development rights to change use, set out in Classes M, N, P, PA, and Q of Part 3 of Schedule 2 to the Order (see page 4).

- (b) the ground area (measured externally) of the structure would exceed 3 square metres
- (c) any part of the structure would be more than 3 metres above ground level or
- (d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway

The proposals comply.

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

Yours sincerely,



Bronwen Gombert

CONNECTED ARCHITECTURE