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**SECTION 192 APPLICATION - CERTIFICATE OF LAWFUL DEVELOPMENT
FOR THE ERECTION OF A SINGLE STOREY REAR EXTENSION**

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 2015 SCHEDULE 2, PART 1 (CLASS A) (AS AMENDED)**

AT

CHESTNUT COTTAGE, THE GREEN, PIRBRIGHT, GU24 9JF

D&M REF: CF/048/24

APRIL 2024

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1.0 INTRODUCTION

1.1 This application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) is made on behalf of the applicant, the owner and occupier of Chestnut Cottage, The Green, Pirbright GU24 0JF.

1.2 The application before you is for the erection of a single storey rear extension under the auspices of Classes A of Schedule 2 Part 1 (permitted development within the curtilage of a dwellinghouse) of the Town and Country Planning (General Permitted Development) Order (GPDO) 2015 (as amended).

1.3 The statement should be read in conjunction with the documents submitted with this CLOPUD application, as set out below:

- Application forms
- Location and Block Plan
- Existing and Proposed Floor Plans and Elevations

1.4 This carefully considered proposal has been constructed in strict accordance with Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order (GPDO) 2015 (as amended).

2.0 SITE AND SURROUNDING AREA

2.1 The application site relates to an attractive semi-detached dwelling situated within the rural Village of Pirbright, located to the west of Pirbright Village Green.



Source: Surrey Interactive Mapping

2.2 The application property comprises a 4-bedroom family dwelling with ground floor rear and side additions. The two-storey side extension was constructed following a 1987 planning permission, a single storey rear element (dining room) also represents a later addition.

2.3 The dwelling faces onto The Green and is set back from the footpath by the front garden and driveway. Street view photographs are provided below:



Existing pair of cottages

- 2.5 The frontage is enclosed by a mature hedge with access directly onto the highway and parking on the front driveway. The immediate locality is rural in character, with the property located within Pirbright Village surrounded by open space associated with The Green.
- 2.6 As identified on the Local Plan proposals map the site lies within the settlement boundary of Pirbright. Pirbright Village is washed over by Green Belt and falls within the Pirbright Conservation Area. The site is therefore within Article 2(3) land. The nearest of the Listed Building is Hatchers to the south separated from the application site by the curtilage of Linnards.

3.0 PLANNING HISTORY

3.1 The planning history for the site is shown in the table below:

Application	Description	Decision
05/P/00954	Replace front garage roof with single slope, and existing roof lights with two dormers	Approved 29/06/2005
87/P/1761	Two storey side extension to provide garage and utility room on ground floor with bedroom and cupboard over, also provision of dormer window to form a bedroom in the roof space.	Approved 08/03/1988
GU/R 425/5/71/ PIR	Erection of dwelling house on land at ‘Intime’ ¹ , The Green, Pirbright	Approved 12/05/1971

3.2 The ‘original dwelling’ for the purposes of a certificate of lawful development is defined by the GPDO as being the building as it existed on 1st July 1948 or as built after that date. Therefore, for the purpose of this application the original dwelling is that as built following permission granted under reference GU/R 425/5/71/PIR.

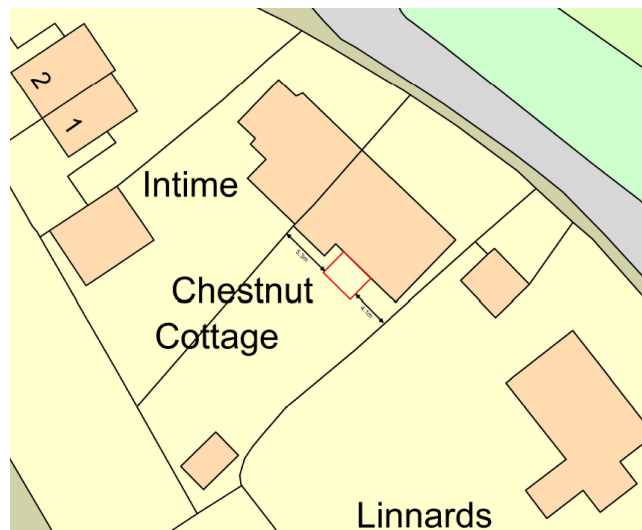
3.3 The plans below show the original ground floor, and are provided to assist in the assessment of the application:

¹ Intime is adjacent dwelling to the north of Chestnut Cottage

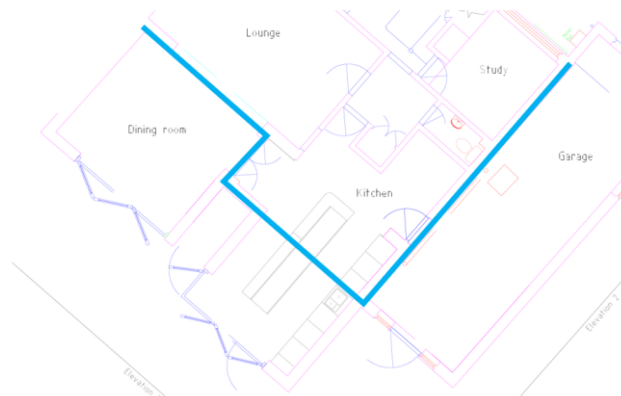
4.0 PROPOSAL

4.1 This application is for a certificate of lawful development for the erection of a single-storey rear extension within the parameters set out in the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1 (Class A), and the subsequent amendments to such.

4.2 The position of the proposed rear extension is indicated on the submitted proposed Site Plan (below) and shown in more detail on the proposed ground floor plan.



Block Plan



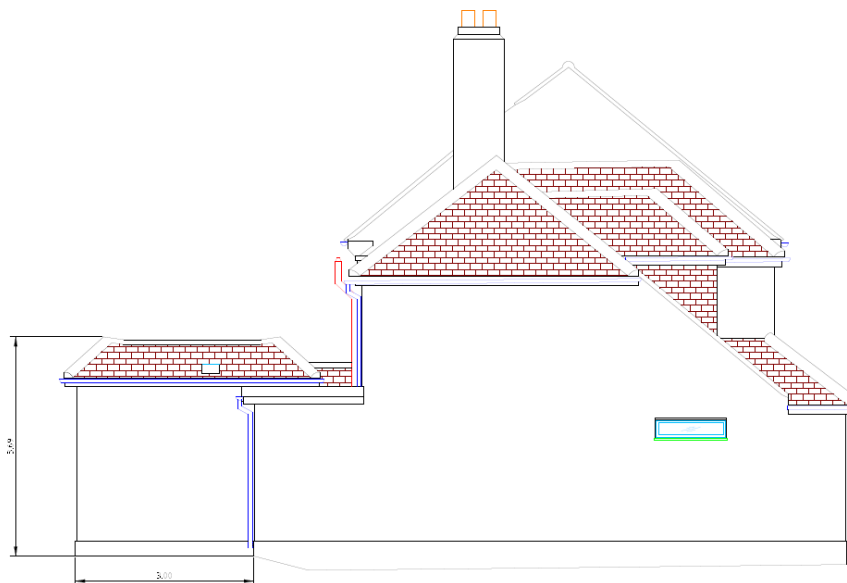
Proposed floor plan (with blue line showing original rear and side wall)

4.3 The single storey rear extension would have a maximum depth of 3 metres and a width of 3.9 metres to ensure a 1m “meaningful gap” is retained to a previous rear extension. It would have a ridge height of 3.69 metres and an eaves height of 3.28 metres.

4.4 The proposed extension would be finished in brickwork painted white to be similar in appearance to the existing render and would be built with a tiled crown pitch roof finished with tiles to match the existing dwelling. Elevations of the proposal are shown below:



Proposed Rear elevation



Proposed Side elevation

5.0 LEGISLATIVE AND PLANNING POLICY BACKGROUND

- 5.1 The application is made under Section 192 of the Town and Country Planning Act 1990 (as amended). This allows for any person to find out whether any proposed use or operations would be lawful by applying to the Local Planning Authority for that purpose. If the proposed development accords with the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the certificate of lawful development should be granted.
- 5.2 Article 24 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) specifies what must be provided with such applications for them to be considered, validated and registered. This includes identifying the site, the proposed development and providing any supporting information to assist with the determination of the application. The application complies with the provisions of Article 24.
- 5.3 When considering Section 192 applications, it is necessary for the Local Planning Authority to not only consider whether the proposal would involve “development” requiring an application for planning permission, but whether it would involve a breach of any condition or limitation imposed on any grant of planning permission that has been implemented. Consideration of whether the proposal represents development for the purposes of Section 55 of the Town and Country Planning Act 1990 (as amended), and whether it complies with the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and any conditions and limitations is set out below in support of the application.
- 5.4 Section 55 (1) of the Town and Country Planning Act 1990 (as amended) in defining development draws a distinction between operational development and the making of a material change of use. Section 55 (1) states ‘... “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of a material change in the use of any building or other land.’ The

application involves operational development in respect of the building operations for the erection of a single storey rear extension.

- 5.5 When considering the application, once it has been established the proposal does constitute development for the purposes of section 55 (1) of the Town and Country Planning Act (as amended), it is necessary to consider if such development is permitted by any Order.
- 5.6 Reference may be made to the Government's Permitted Development Rights for Householders: Technical Guidance 2019, which gives an indication of how the Rights should be interpreted. It is clear that the principal elevation of the dwelling house is that which faces the highway in this instance.
- 5.7 It should also be noted that there are no Article 4 directions or restrictive conditions in place that would restrict the proposed development. The site is within a Conservation area and therefore does constitute Article 2(3) land.
- 5.8 As such, the following paragraphs will demonstrate that the proposal constitutes permitted development as set out within Class A of the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

6.0 ASSESSMENT OF PROPOSAL AND COMPLIANCE WITH THE GPDO

6.1 Class A of the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) states development is not permitted 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 (changes of use);*
- (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);*
- (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;*
- (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;*
- (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;*
- (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;*
- (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—*

6.2 All of the above points have been addressed in turn and are set out below.

- (a) Chestnut Cottage was constructed as a dwellinghouse and has not, therefore, been the subject of a change of use from a previous use to a dwellinghouse. It therefore complies with a)
- (b) The proposed extension is situated **wholly within** the residential curtilage of Chestnut Cottage. Chestnut Cottages benefits from a good-sized garden and accordingly the total area of ground covered by buildings within the curtilage of the dwellinghouse (including the outbuildings located to the rear) **do not** exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).
- (c) The proposed extension would be set **below** the highest part of the dwelling.
- (d) The height of the eaves of the proposed extension **would not** exceed the eaves height of the existing dwellinghouse. The Government's Householder Guidance document indicates that where the existing house has different eaves heights, then the restriction on the height of the eaves for the part of the house enlarged or altered, is measured against the highest level of eaves on the existing house. The house has various eaves levels, the highest eaves level of the main house should be taken in this case.
- (e) The proposed extension **would not** result in a development which will extend beyond any part of the dwellinghouse which:
 - (i) forms the principal elevation of the original dwellinghouse; or
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse.
- (f) The proposed extension would be single storey and be to a semi-detached dwelling it **would not**:

- (i) extend more than 3 metres in depth, or
 - (ii) exceed 4 metres in height (extension would be 3.69 metres to the ridge)
- (g) The proposed enlargement **is** on article 2(3) and would not:
- (i) extend beyond the rear wall by more than 6 metres
 - (ii) exceed 4 metres in height
- (h) The proposed extension is **single storey** only.
- (i) The proposed extension would **not be** within 2 metres of the boundary of the curtilage of the dwellinghouse.
- (j) The proposed extension **would not** extend beyond a wall forming a side elevation of the original dwellinghouse.
- (ja) The proposal **would not** result in any total enlargement that would exceed the limits set out in sub-paragraphs (e) to (j) as discussed above. The proposed extension would not be attached to any other previous extension, and a meaningful gap of 1 metre would be retained between the extension and an existing single storey rear extension. As highlighted earlier in paragraph 4.2 the extension would extend off an original rear wall, it would not be attached to the two-storey side extension approved under planning reference 87/P/1761 that runs in a different direction off the original side wall.
- (k) The proposed extension **would not** 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) altering the roof of the dwellinghouse.

6.3 Class A2 says development is permitted subject to the following conditions:

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;

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse; or

(ca) 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 (b) and (c)

The dwelling **is** located upon Article 2(3) and **would not:**

- a) 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) Extend beyond the side wall of the original dwellinghouse.
- c) Have more than a single storey
- ca) be joined to any other enlargement.

6.4 Class A.3 says that development is permitted subject to the following conditions:

'(a) 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;

- (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 1.7 metres above the floor of the room in which the window is installed; and*
- (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'*

6.5 Again, all of the above points have been addressed in turn and are set out below.

- (a) The external walls would be completed in white painted brickwork, and although the existing is render this would be of a similar appearance. It should be noted that this matter is addressed in the Technical Guidance that states:

"The condition above is intended to ensure that any works to enlarge, alter or improve a house result in an appearance that minimises visual impact and is sympathetic to existing development. This means that the materials used should be of similar visual appearance to those in the existing house, but does not mean that they need to be the same materials."

Taking into consideration that this building is on Article 2 (3) land, matching render cannot be used for the extension. However as is made clear by the Technical Guidance the materials do not need to match, just be sympathetic or similar, which the painted brickwork would be.

- (b) The proposed extension is single storey and **does not** therefore include any upper floor windows.
- (c) The proposed extension is **single storey**.

6.6 Class A.4 does not apply as permission is not sought for a development exceeding the limits in paragraph A1 (f).

7.0 CONCLUSION

- 7.1 This is a straightforward application for a certificate of lawful development for the erection of a single storey rear extension measuring up to 3 metres in depth to provide a modest increase in ground floor accommodation.
- 7.2 The proposal fully satisfies all of the criteria set out in Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order (GPDO) 2015 (as amended).
- 7.3 Having regard to the above information, it is considered that the Council should be able to grant the Lawful Development Certificate of Lawfulness under Section 192 of the Town and Country Planning Act 1990.
- 7.4 The plans hereby submitted demonstrate that the proposed development would comply with the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 7.5 The works comply with the provisions of the amended GPDO, but it is also necessary to consider if there are any conditions, or any other constraints or limitations, where express planning permission has been granted for development requiring planning permission in respect to the site, preventing the granting of the Certificate. No such constraints apply.
- 7.6 No Article 4 Direction applies to the land. The site is not subject to any other constraints that would prevent the exercise of permitted development rights as applied for in this application.
- 7.7 I trust we have provided you with sufficient information to determine the application within the statutory time period. However, if you require any additional information, require any clarification on any point or if I can be of any further assistance in this regard then please do not hesitate to contact me.

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