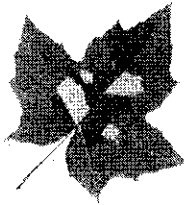


andrew
martin
associates



Chartered Town Planners
Chartered Surveyors
Environmental Planners
Urban Designers
Landscape Planners

Your Ref:

Our Ref: MC/CS/044903/RDC 27-01-11

Planning Department
Rochford District Council
Council Offices
South Street
Rochford
Essex
SS4 1BW

27 January 2011

Dear Sirs

Hyde Wood Farm, Hyde Wood Lane, Canewdon

Please find enclosed an application for a Lawful Development Certificate pertaining to the above site.

This application package includes the following:

- Application Form;
- Site Location Plan;
- Plans and Elevations (proposed and existing); and
- Supporting Statement.

I look forward to hearing from you.

Yours sincerely

Michael Calder

MICHAEL CALDER BSc(Hons) PG DipTP MRTPI
PRINCIPAL PLANNER
michael.calder@amaplanning.com

Encl.

cc Client

Andrew Martin Associates Limited is a company registered in England. Registered number 01452444.

Head Office: Andrew Martin Associates Limited, Croxton's Mill, Little Waltham, Chelmsford, Essex, CM3 3PJ
Telephone 01245 361611 Fax 01245 362423 Email ama@amaplanning.com www.amaplanning.com

Midlands Office: Icon Business Centre, Lake View Drive, Sherwood Park, Nottingham, NG16 0DT
Telephone 01623 729310 Fax 01623 729349 Email planning@amamidlands.com

London Office: Level Seven, 52 Grosvenor Gardens, Belgravia, London, SW1W 0AU
Telephone 020 7608 4620 Fax 020 7091 0901 Email london@amaplanning.com

Vat no GB 618184140 Registered in England no 4084148 Registered Office: 17 Rochester Row, Westminster, London, SW1P 1QT
Andrew Martin Associates and the leaf are registered trademarks of Andrew Martin Associates Limited



INVESTOR IN PEOPLE

Hyde Wood Farm, Hyde
Wood Lane, Canewdon,
Essex

Prepared on behalf of
Mr and Mrs Noad

Certificate of Lawful Use under
S192 of the Town and Country
Planning Act 1990 in relation to
Proposed Single Storey Front,
Rear and Side Extension

AMA Ref: CS/044903
January 2011



Contents

	Page
1.0 Introduction	1
2.0 Site and Surroundings	2
3.0 Case for Lawful Development	3
4.0 Summary and Conclusion	8

Appendices

AMA1	Extracts from Permitted Development for Householders Technical Guidance (August 2010)
AMA2	Extracts from Changes to Householder Permitted Development 1 October 2008 – Informal Views from CLG

1.0 Introduction

- 1.1 The statement has been prepared by Andrew Martin Associates (AMA) on behalf of our client, Mr and Mrs Noad of Hyde Wood Farm, Hyde Wood Lane, Canewdon. It supports a Lawful Development Certificate (LDC) application made to Rochford District Council (RDC) comprising as follows:

'Proposed Single Storey Front, Rear and Side Extension'

- 1.2 The application is submitted under S192 of the Town and Country Planning Act 1990. The applicant is taking all reasonable steps to ensure that the development can be implemented by virtue of permitted development and that there are no areas of doubt with regard to the lawful operations proposed.
- 1.3 The application is to be determined in accordance with the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, referred to in the remainder of this statement as the '2008 Regulations'. These regulations supersede the Town and Country Planning (General Permitted Development) Order 1995, as amended. The proposed extensions have been prepared in accordance with the 2008 Regulations.
- 1.3 Section 2.0 of this statement describes the property and its history. Section 3.0 sets out the case for why a Lawful Development Certificate should be issued for the proposals and section 4 provides a summary and conclusion.

2.0 Site and Surroundings

- 2.1 The application site is located on the western side of Hyde Wood Lane within a substantial curtilage. The dwelling 'Hyde Wood Farm' is a detached chalet style house in a white smooth rendered finish and red clay tiled roof with windows to front and rear gables and a flat roofed dormer to the north elevation. The dwelling has an entrance porch to the south elevation. A short distance to the rear of the house is a detached annex bungalow of hipped roof design.
- 2.2 The dwelling is set within extensive grounds with extensive lawn areas and fruit trees. The property is set within a substantial curtilage. A number of outbuildings are also contained within the curtilage of the property.
- 2.3 There is no planning history for the dwelling. The dwelling that exists today is identified as the original dwelling. Permission was granted for a poultry house in 1950 to the rear of the dwelling, i.e. the bungalow. This building has been used as an annex providing additional living accommodation to the main house for several years. The Council's records indicate that the dwelling is not subject to any condition withdrawing Permitted Development rights.

3.0 Case for Lawful Development Certificate

- 3.1 The applicant's proposals to extend the existing dwelling through 'permitted development' are to be considered against the '2008 Regulations'¹ referred to in paragraph 1.2 above.
- 3.2 Part 1 Class A of the 2008 Regulations identify that within the curtilage of a dwellinghouse, the enlargement, improvement or other alteration of a dwellinghouse is permitted development. In this case the curtilage of Hyde Wood Farm (the dwellinghouse) comprises a substantial area. As set out in paragraph 2.2 the curtilage extends to include extensive land surrounding the dwelling and contains a number of outbuildings used incidental to the enjoyment of the dwellinghouse. These comprise, amongst others, an annexe, tool room, stables, garaging etc.
- 3.3 Part 1 Class A of the 2008 Regulations continues to require that extensions within the curtilage of the dwellinghouse must meet nine criteria, namely (a) –(i) to be classed as permitted development. These criteria are set out below with commentary as to why the proposed extensions are to be regarded as 'permitted development'.
- 3.4 To assist applicant's and decision makers in their determination of these matters the Department for Communities and Local Government (CLG) has published a technical guidance document named Permitted Development for Householders Technical Guidance (August 2010). This document provides guidance on the application of the Regulations and sets out the Governments intended interpretation of the Regulations. We refer and have included extracts of this guidance within this statement to assist with the explanation of the applicant's proposals.
- 3.5 The designs of these proposals are depicted on the following plans accompanying this submission:
- Location Plans, Existing and Proposed – drawing ref. 6359 301; and
 - Site Location Plan, Plans and Elevations (existing and proposed) - drawing ref. 6359 302.
- 3.6 In accordance with the foregoing, the 2008 Regulations set out that development is not permitted by Class A if:

(a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the

¹ Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008

original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

- 3.7 The submitted plans accompanying the application illustrate the original dwellinghouse described in paragraph 2.3 above. The plans also illustrate very clearly that the proposed extensions will not result in more than 50% of the curtilage, which is described in paragraph 3.2 above, being developed with buildings.

(b) 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;

- 3.8 The submitted plans demonstrate that the proposal will not exceed the highest part of the roof as it is only single storey.

(c) 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;

- 3.9 The submitted plans demonstrate proposed eaves do not exceed the eaves height of the existing house.

(d) the enlarged part of the dwellinghouse would extend beyond a wall which (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

- 3.10 The extract below, taken from the submitted plans, illustrates that the east elevation of the dwelling fronts a highway, and the southern elevation of the dwellinghouse, which contains and is used as the entrance to the property, forms the principal elevation.

- 3.11 It is only the east elevation of the dwelling which fronts the highway and it therefore follows that it is only the elevation that is sterilised from enlargement under Class A part (d). This is because criterion (d) stipulates that a wall must be a side or principal elevation in addition to it fronting a highway before its enlargement would require planning permission. The critical word is 'and'. This is confirmed in the CLG Technical Guidance (August 2010) which clarifies at page 13 (appended at **AMA1**) that only development in front of a principal or side wall that fronts a highway will require planning permission. A further CLG technical guide 'Changes to Householder Permitted Development 1 October 2008 - Informal Views from CLG' also states (page 5) that the restrictions of criterion (d) are in relation to a 'principal elevation that also fronts a highway' (extracts appended at **AMA2**).

- 3.12 The guidance therefore permits the enlargement of a 'principal elevation' as well as any other elevation whereby this does not front a highway. The submitted plans demonstrate that the proposed

extensions to the north, south (principal) and west elevations do not front a highway. For the sake of clarification the CLG Technical Guidance (August 2010) confirms that if the angle between the elevation of the house and the highway is more than 45 degrees, then the elevation will not be fronting a highway. This is the case in respect of the north, south and west elevations and therefore an extension to any of these elevations would pass criterion (d).

- 3.13 In terms of the restrictions that are applicable to the enlargement of a 'principal elevation' the CLG technical guide 'Changes to Householder Permitted Development 1 October 2008 – Informal Views from CLG' clarifies at page 5 (appended at **AMA2**) that 'development to a principal elevation that does not front a highway would be subject to the eaves height limit and the overall 50% limit on development within the curtilage.'
- 3.14 Notwithstanding the above flexibility, in this application the applicant has sought to balance the proportions of the property, as would be enlarged, and has therefore proposed to mirror the rear (north) extension on the front (south) elevation to a depth of 4 metres from the walls edge. This will give the property a balanced design.
- 3.15 In terms of the requirement of Class A the extension proposed on the 'principal elevation' will not exceed the existing eaves height or the overall 50% limit on development within the curtilage and therefore would meet the requirement of Class A.1 criteria (a), (b) and (c) and is therefore permitted development.

(e) 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;

- 3.16 Having established that the principal elevation or front elevation of the dwellinghouse is the south elevation, it follows that the north elevation, its direct opposite, is the rear elevation of the dwelling.
- 3.17 The property is a detached dwelling and the proposed single storey rear extension, on the northern elevation, does not extend more than 4 metres from the wall of the dwelling and is less than 4 metres in height as illustrated by the submitted plans.

(f) 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 opposite the rear wall of the dwellinghouse;

- 3.18 The proposal comprises single storey extensions only and therefore this criterion is not applicable.

(g) 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;

- 3.19 Again, this is not applicable, the proposal is more than 2 metres away from the boundary of its curtilage and the eaves height proposed is less than 3 metres in any event.

(h) 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

- 3.20 The proposal includes an extension to a side elevation, which would not exceed 4 metres in height and would not extend to more than half the width of the dwelling. The original dwelling is 11470 mm in width at its widest point. The above criteria would therefore permit a maximum extension of 5735mm in width, which is proposed.

(i) 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.

- 3.21 No veranda, balcony, raised platform, antenna, chimney, flue, vent pipe or an alteration to the roof of the dwellinghouse is proposed as a result of the enlarged dwelling.

Other matters

- 3.22 Class A.2 sets out further limitations for development within article 1(5) land, such as conservation areas and other designated land. This does not apply as the site is not within article 1(5) land.

- 3.23 In addition class A.3 sets out that 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.

- 3.24 We confirm that all exterior materials will match existing materials as illustrated on the submitted drawings.

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be: (i) obscure-glazed and (ii) non-opening unless the parts of the window which can be opened are more than 1.7metrs above the floor of the room in which the window is installed.

3.25 This is not applicable to the proposals.

(c) where the enlarged part of the dwellinghouse has more than one storey the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

3.26 Again this is not applicable to the proposals.

3.27 In summary, the proposals set out on the submitted drawings do not exceed the criteria set out in Class A and therefore are deemed to be permitted development. As such, a Lawful Development Certificate should, therefore, be issued accordingly.

4.0 Summary and Conclusion

- 4.1 Hyde Wood Farm is a detached chalet style dwelling set within a substantial curtilage. A check of the Council's historic records reveals no history associated with the dwelling. The existing dwelling is the original dwelling and full permitted development rights remain.
- 4.2 It is the applicant's case that the proposed extensions comply with the provisions set out in Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, which permits extensions to detached dwellings. The Regulations set out seven criteria that must not be met. In this instance the proposal does not exceed these parameters and the other requisite requirements.
- 4.3 It is now for the Council as local planning authority to determine from the information provided, whether it would be lawful to carry out the operational development at the property in the manner described in this statement. If Officers were in any doubt as to the nature of the proposal or any other matter relating to the property, then it would be appreciated if discussions could be undertaken with Andrew Martin Associates so that any issues can be settled prior to a formal decision being taken.
- 4.4 In light of the above and for the reasons set out within this report the applicant requests that a Lawful Development Certificate be issued.

AMA1



Permitted development for householders

Technical guidance



Permitted development for householders

Technical guidance

August 2010

Department for Communities and Local Government

(d) *the enlarged part of the dwellinghouse would extend beyond a wall which:*

(i) *fronts a highway and*

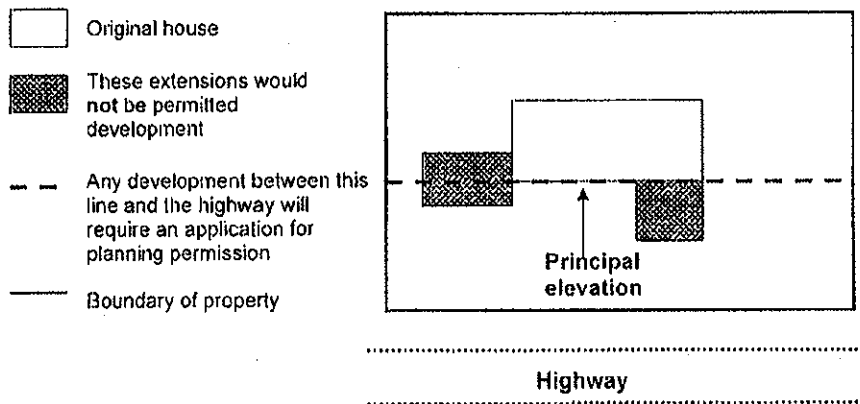
(ii) *forms either the principal elevation or a side elevation of the original dwellinghouse*

This restriction means that any development that is in front of a principal or side wall that fronts a highway will require an application for planning permission.

In most cases, the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.

There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation (for example, on a corner plot), a view will need to be taken as to which of these forms the principal elevation. Note, however, that in such cases the second elevation will also be subject to the restrictions under Class A if it is a side elevation and fronts a highway.

In this context, 'extend beyond a wall' comprises not only the area immediately in front of the wall, but also an area in front of a line drawn from the end of the wall to the boundary of the property. In the diagram below, neither extension shown would be permitted development - they both extend beyond a wall forming a principal elevation that fronts a highway.



AMA2

Changes To Householder Permitted Development 1 October 2008 - Informal Views From Communities And Local Government

General Queries

Frequently Asked Questions	Response
Definition of principal elevation	<p>There is no definition of principal elevation in the GPDO.</p> <p>It would have been extremely difficult to come up with a definition that provided absolute certainty as to what the principal elevation was in all circumstances.</p> <p>However, we believe that in the vast majority of cases it would be perfectly clear what the principal elevation was ie the part of the house that fronts the highway and which usually contains the main entrance.</p> <p>In practice we accept that in a minority of cases there will have to be an assessment by the planning authority on a case by case basis as to what constitutes the principal elevation.</p>

Document continues below...

More Specific Comments

Frequently Asked Questions	Response
<p>A1(c)</p> <p>Does the extension need permission if it has any eaves higher than any eaves on the existing house?</p> <p>The question arises in cases where there are eaves of various heights (e.g. where the existing house is both single and two storeys). Also, should eaves over dormer windows be taken into consideration?</p>	<p>We would expect that the eaves height restriction would relate to the part of the dwellinghouse being extended from ie if you had a building that was both one and two storeys and you were extending from the one storey part of it the eaves would have to be no higher than those of the one storey part of the house.</p>
<p>A1(d) and elsewhere</p> <p>Is the principal elevation any elevation fronting a highway?</p> <p>If so, there are some houses that have more than one principal elevation, for example on corner plots and in terraces which have a highway both at the front and at the back.</p>	<p>Principal elevation is not defined in terms of it fronting a highway. It's what most people would say is the main elevation at the front (see above). Therefore just because an elevation fronts a highway it doesn't mean it is a principal elevation.</p> <p>The GPDO refers to "the principal elevation" so the assumption is that there will be just one principal elevation. For most plots it should be possible to distinguish easily the principal elevation from a side elevation.</p> <p>In some corner plots it may be that more than one elevation has the character of a principal elevation (perhaps where there is more than one entrance to the property) in which case both would be covered by any restriction on the principal elevation.</p>
<p>Some houses (e.g. on backland plots, on farms or in barn conversions) do not front any highway.</p> <p>Does this mean that they have no principal elevation? In such cases does that mean there is no limit to how far they can be extended on a wall that is not a side or rear wall?</p>	<p>There could be a principal elevation that does not front a highway, but the question is largely academic given that the restrictions are in terms of a principal elevation that also fronts a highway.</p> <p>Development to a principal elevation that does not front a highway would be subject to the eaves height limit and the overall 50% limit on development within the curtilage.</p>
<p>A1(e) and (f)</p> <p>Does the reference to extending beyond the rear wall mean any rear wall?</p> <p>The issue arises in all cases where the rear of the house is not built as a single wall, but is cranked.</p>	<p>The relevant consideration here is the part of the wall that is being extended from.</p> <p>Therefore where there is an original rear addition/outrigger there will be more than one original rear wall.</p>