

Meeting:	Development Control Committee
Date:	12 October 2004
Subject:	50 Courtfield Avenue, Harrow
Responsible Officer:	Head of Planning and Development
Contact Officer:	Glen More
Portfolio Holder:	Planning, Development, Housing and Best Value
Key Decision:	No

### **Section 1: Summary**

The report relates to an application for a certificate of proposed lawful development (reference P/2190/04/DCP) by a member of the Council, for the erection of a conservatory at the rear of a dwellinghouse.

The tests to be applied for the determination of this application are whether the proposal constitutes development, and if so whether the development is permitted under the auspices of the Town and Country Planning (General Permitted Development) Order 1995.

On this occasion the development constitutes development which is permitted by the above Order. As such, the certificate should be granted.

### **Decision Required**

Grant the application for a Certificate of Lawful Development, for the following reasons:

1. The property comprises a semi-detached single family dwellinghouse. The proposal is to build a single storey rear conservatory.
2. The proposed single storey rear conservatory will create an increase in the volume of the single family dwellinghouse of 67.32cubic metres, and will be built entirely within the curtilage of the dwellinghouse. There are no other relevant developments on the site.
3. The development is within the 70 cubic metres of enlargement of a

detached or semi-detached dwelling house permitted by Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995, subject to no encroachment of foundations, roof or guttering into the adjacent property.

4. Standard Informative 23: Considerate contractors code of practice.
5. Standard informative 32: The Party Wall etc Act 1996.

### **Reason for report**

The applicant is a member of the Council.

### **Benefits**

The Council, as Local Planning Authority, has a statutory duty to determine this application.

### **Cost of Proposals**

No direct financial implications, however, see Risks section below.

### **Risks**

If the application is refused, a subsequent appeal may result in an award of costs against the Council.

### **Implications if recommendations rejected**

As Risks section above.

## **Section 2: Report**

### **2.1 Brief History**

None

### **2.2 Options considered**

The application is for a certificate of lawful development for the erection of a conservatory to the rear of 50 Courtfield Avenue, Harrow.

The tests applied for the determination of this application are whether the proposal constitutes development, and if so whether that development is permitted, i.e. can be constructed without the need for planning permission.

Section 55 (i) of the Town and Country Planning Act 1990 (as amended) defines development. This definition includes building operations on land which are in part classified as additions to Buildings and other operations normally undertaken by a person carrying on business as a builder. The

erection of this conservatory falls within the definition of a building operation, and as such constitutes development.

Section 55 (2), the Town and Country Planning Act 1990 (as amended) excludes several operations and uses of land from the definition of development. None of those apply on this occasion.

The Government have determined that some development is sufficiently minor in nature as to not need planning permission. If planning applications were made for all such developments the amount of work generated would be sufficient to make the planning system grind to a halt.

These developments are commonly referred to as "Permitted Development" and the limited categories of such development are set out in the Town and Country Planning (General Permitted Development) Order 1995.

Class A Schedule 2, of that Order relates to the enlargement, improvement or other alteration of a dwellinghouse. There are a number of provisos within the Class that restrict permitted development. However, none of those provisos are relevant on this occasion. As such, the proposed development constitutes permitted development and the Certificate of Lawful Development should be granted.

### 2.3 Consultation

None .

### 2.4 Financial Implications

None.

### 2.5 Legal Implications

Included in the report.

### 2.6 Equalities Impact

Not Relevant

## **Section 3: Supporting Information/ Background Documents**

Application: P/2190/04/DCP

**Enclosures:** Site Plan

**List other background papers that are available on request:** None