

# AGENDA ITEM



Committee and date

**Southern Planning Committee**

**25th February 2025**

## Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

### Summary of Application

<b><u>Application Number:</u></b> 25/00387/CPL	<b><u>Parish:</u></b>	Bridgnorth
<b><u>Proposal:</u></b> Application for a Lawful Development Certificate for the proposed conversion of garage and internal alterations to kitchen. Alterations to windows and doors, replacement brickwork to rear to allow for insulation, installation of french doors and addition of hipped roof to existing flat roof on rear bay		
<b><u>Site Address:</u></b> 11 Greenfields Road Bridgnorth Shropshire WV16 4JG		
<b><u>Applicant:</u></b> Mr & Mrs Garry & Gill Fuller		
<b><u>Case Officer:</u></b> Elizabeth Attwood	<b><u>email:</u></b> elizabeth.attwood@shropshire.gov.uk	

**Grid Ref:** 371059 - 293777



**Recommendation:- A Lawful Development Certificate be issued for the following reason:**

The proposed external alterations are permitted development by virtue of Schedule 2, Part 1, Class A of the GPDO, and the internal works do not constitute development under Section 55(2) of the Town and Country Planning Act 1990. Therefore, the proposed development is Lawful and Full Planning Permission is not required, and a Certificate of Lawful Development can be issued.

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 ("the Act") for the proposed conversion of garage and internal alterations to kitchen. Alterations to windows and doors, replacement brickwork to rear to allow for insulation, installation of French doors and addition of hipped roof to existing flat roof on rear bay.

- 1.2
- Internal alterations to include conversion of part of garage to create a WC/Shower room, internal alterations to utility and kitchen.
  - Alterations to windows and doors block up existing door and windows and replace with new door and windows on side elevation.
  - Replacement of brickwork on existing rear bay taken to ground floor to allow for insulation, install French door on front of bay to replace existing window and addition of hipped roof to replace existing flat roof.
  - All materials to match the existing.
  - None of the proposed external work would be higher than 4 metres.

1.3 Note: A corresponding Building Regulation application for the Conversion of garage to form WC and utility room and internal alterations to the kitchen, has been submitted the SC under 25/00116/FEENQ.

- 1.4 The applicant has stated that the proposal is considered to be lawful because;
- *The proposed works fall within permitted development under Schedule 2 Class A of the GPDO.*

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The application property is a detached red brick dwelling under a concrete tiled roof located to the southeast of Greenfields Road in an established residential area of Bridgnorth and is situated outside of Bridgnorth Conservation Area. It occupies a

rectangular plot with the estate road to the southeast, detached properties on either side to the southwest and northeast. To the rear, the garden backs onto a footpath, on the opposite side of which are the rear gardens to properties on Dunval Road.

2.2 Relevant planning history

2.3 17/03114/CPE - Application for Lawful Development Certificate to confirm that the existing works of loft conversion, erection of porch with pitched roof and pitched roof over garage, installation of bow window to front elevation, creation of hardstanding to front garden, dropped kerb and erection of garden wall were within permitted development or have been completed for more than four years – LAWFUL.

2.4 18/01814/FUL Erection of single storey front extension – GRANTED.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application must be determined by Committee because it relates to the property of an officer of the Council who either directly or indirectly reports to the Planning Services Manager.

4.0 Community Representations

4.1 - Consultee Comments

- Public Comments – None required for this type of application.

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5.0 Planning Policy

5.1 Under Section 192 of the Town and Country Planning Act 1990, as amended, an application may be made to the Local Planning Authority if any person wishes to ascertain whether—

*(a) any proposed use of buildings or other land; or*

*(b) any operations proposed to be carried out in, on, over or under land,*

*would be lawful.*

**6.0 OFFICER APPRAISAL**

6.1 The proposed works have been appraised against the criteria set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. In particular, the key section is Schedule 2, Part 1, Class A – enlargement, improvement or other alteration of a dwelling house.

- 6.1.1 **Assessment of whether the internal alterations, altered windows and doors, replacement of the existing flat roof to the bay window with a pitched roof is Permitted Development.**
- 6.1.2 In terms of the 'original' dwellinghouse, the aforementioned planning history is noted above.
- 6.2 Principle of development
- 6.2.1 Schedule 2, Part 1, Class A of the GPDO advises that the enlargement, improvement or other alteration of a dwelling house is permitted development, unless it would not comply with a number of listed restrictions. These are considered in turn below:
- 6.2.2 A.1 (a): The dwelling house has not been granted only by virtue of Classes G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use). *(Not relevant)*
- 6.2.3 A.1 (b): The proposed development would *not* result in the total area of ground covered by buildings within the curtilage of the dwelling house (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house). *(No additional footprint is being created)*
- 6.2.4 A.1(c): The height of the part of the dwellinghouse enlarged, improved or altered (the replacement roof to the existing bay window) *would not* exceed the height of the highest part of the roof of the existing dwellinghouse;
- 6.2.5 A.1(d): 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; *(not relevant - no extension is being proposed)*
- 6.2.6 A.1 (e): The roof addition (to the existing bay window) does *not* extend beyond a wall which forms the principle elevation of the original dwelling house (i) or front a highway and forms a side elevation of the original dwelling house (ii).
- 6.2.7 A.1 (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 *(not relevant - no extension is being proposed)*
- (ii) exceed 4 metres in height; *(the replacement roof does not exceed 4m)*
- 6.2.8 A.1 (g): The enlarged part of the dwelling house does *not* extend more than 8m, beyond the rear wall of the original dwelling house; or exceed 4m in height (ii). *(not relevant - no extension is being proposed)*

- 6.2.9 A.1 (h): The enlarged part of the dwelling house does *not* have more than one storey. (*not relevant - no extension is being proposed*)
- 6.2.10 A.1 (i): The enlarged part of the dwelling house is *not* within 2 metres of the boundary of the curtilage of the dwelling house. (*not relevant - no extension is being proposed*)
- 6.2.11 A.1 (j): The enlarged part of the dwellinghouse would *not* extend beyond a wall forming a side elevation of the original dwellinghouse. (*not relevant - no extension is being proposed*)
- 6.2.12 A.1 (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). (*not relevant - no extension is being proposed*)
- 6.2.13 A.1 (k): The proposed development would not include the construction or provision of a veranda, balcony or raised platform; would *not* include the installation, alteration or replacement of a microwave antenna; would not involve the installation, alteration or replacement of a chimney, flue, or soil and vent pipe, and would not involve an alteration to any part of the roof of the dwelling house.
- 6.2.14 (l) the dwellinghouse was *not* built under Part 20 of this Schedule (construction of new dwellinghouses).
- 6.2.15 A.2: The dwelling house is *not* on article 2(3) land. (*A conservation area*).
- 6.2.16 A.3: (a). The materials – (*facing materials will match the rear of the existing dwelling.*)
- 6.2.17 A.3 (b)(i)(ii) and (c) The alterations are on the ground floor and single storey therefore there are no restrictions on the need for obscure glazing or non-opening windows.
- 6.3 Internal works do not constitute development under Section 55 (2) of the Town and Country Planning Act 1990, which states:

*The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—*

*(a)the carrying out for the maintenance, improvement or other alteration of any building of works which—*

*(i)affect only the interior of the building, or*

*(ii)do not materially affect the external appearance of the building,*

*and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;*

6.3.1 The altered window and doors are on the side and rear elevations and will be similar to those instated in the original dwellinghouse and therefore there will be no material affect on the external appearance of the property.

7.0 CONCLUSION

7.1 **The proposed external alterations are permitted development by virtue of Schedule 2, Part 1, Class A of the GPDO or do not materially affect the external appearance of the building, and together with the internal works do not therefore constitute development under Section 55(2) of the Town and Country Planning Act 1990. Therefore, the proposed development is Lawful and Full Planning Permission is not required, and a Certificate of Lawful Development can be issued.**

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

### 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

### 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

None

### RELEVANT PLANNING HISTORY:

17/03114/CPE Application for Lawful Development Certificate to confirm that the existing works of loft conversion, erection of porch with pitched roof and pitched roof over garage, installation of bow window to front elevation, creation of hardstanding to front garden, dropped kerb and erection of garden wall were within permitted development or have been completed for more than four years LA 17th January 2018

18/01814/FUL Erection of single storey front extension – GRANTED 6th June 2018

## 11. Additional Information

# AGENDA ITEM

**Southern Planning Committee - 25th February 2025**

11 Greenfields Road

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SR3RY1TD07V00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member  
Cllr Christian Lea  
Cllr Kirstie Hurst-Knight

Appendices  
APPENDIX 1 - Conditions are not required for Lawful Development Certificates