



<b>Planning Committee Date Report to</b>	14 June 2023 South Cambridgeshire District Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/01426/CL2PD
<b>Site</b>	9 Station Road, Oakington and Westwick, Cambridge
<b>Ward / Parish</b>	Oakington
<b>Proposal</b>	Certificate of lawfulness under S192 for the construction of a home office in the rear garden with additional hard paving
<b>Applicant</b>	Cllr Thomas Bygott
<b>Presenting Officer</b>	Alice Young, Senior Planner
<b>Reason Reported to Committee</b>	Application submitted by a member or officer of the Council
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Whether it meets Schedule 2, Part 1, Class E and Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
<b>Recommendation</b>	<b>GRANT CERTIFICATE</b>

## 1.0 Executive Summary

- 1.1 This is an application for a certificate of lawfulness under Section 192 of the Town and Country Planning Act 1990 for the construction of a home office in the rear garden of the property together with additional hard paving. This application seeks to demonstrate compliance with Schedule 2, Part 1, Class E and Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 1.2 After review of the site history and the proposal, officers conclude that the proposal is compliant with the provisions of Schedule 2, Part 1, Class E and Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and that the Planning Committee should grant the certificate of lawfulness.

## 2.0 Site Description and Context

None relevant		Tree Preservation Order	x
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1, 2, 3	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

\*X indicates relevance

- 2.1 The site is located on the north-western side of Station Road, approximately 90m north of Mill Road and comprises a two storey semi-detached dwelling which has been extended at two storey to the rear, has a long west facing garden with several outbuildings within its curtilage. The site falls within the development framework, outside of the conservation area. A Tree Preservation Order (TPO) area is located to the west of the site includes the western end section of the dwellings garden.

## 3.0 The Proposal

- 3.1 Certificate of lawfulness under S192 for the construction of a home office in the rear garden with additional hard paving

## 4.0 Relevant Site History

Reference	Description	Outcome
21/03443/CL2PD	Certificate of lawfulness under S192 for the construction of a home	Withdrawn

S/0123/17/FL	office in the rear garden with additional hard paving Resubmission of application S/0454/11/FL to change the hipped roof design to a rear gable end roof design	Approved
S/2397/14/NM	Non material amendment to application S/0454/11 (Extensions) to widen approved chimney and build it in brick	Approved
S/0454/11	Extensions	Approved
S/0116/11	Two-Storey Side & Rear Extensions	Refused
S/1700/10	Extension	Refused

- 4.1 No planning application has removed permitted development rights for Schedule 2, Part 1, Class E or F (outbuildings or hard paving).
- 4.2 A previous CL2PD application was withdrawn due to difficulties with internal head heights at the proposed flat roof height. This revised certificate application now proposes a pitched roof on the outbuilding to overcome this issue.

## 5.0 Policy

### 5.1 National

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## 6.0 Consultations

### 6.1 Parish Council – No comment.

## 7.0 Assessment

- 7.1 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Class E and F.

### 7.2 Class E

(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);	Not applicable
b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50%	The proposal would not exceed 50% of the total area excluding the original dwelling.

of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	
(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;	Outbuilding would not be sited on land forward of a wall forming the principal elevation.
(d) the building would have more than a single storey;	The outbuilding would be single storey.
(e) the height of the building, enclosure or container would exceed— (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or (iii) 3 metres in any other case;	The outbuilding would be sited 2m away from the boundary and would have a dual pitch roof with an eaves height of 2.5m and a ridge height of 3.5m. Therefore the proposal conforms with part (i).
(f) the height of the eaves of the building would exceed 2.5 metres;	The proposed outbuilding would have an eaves height of 2.5m and thus complies with part (f).
(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;	Not applicable, the site does not contain a listed building.
(h) it would include the construction or provision of a verandah, balcony or raised platform;	Not applicable, no verandah, balcony or raised platform is proposed (It is assumed the hard paved area would be less than 30cm in height).
(i) it relates to a dwelling or a microwave antenna; or	Not applicable, no microwave antenna is proposed.
(j) the capacity of the container would exceed 3,500 litres.; or	Not applicable.
(k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	Not applicable.
E.2 In the case of any land within the curtilage of the dwellinghouse which is within—	Not applicable, the site does not fall within

<p>(a) an area of outstanding natural beauty;  (b) the Broads;  (c) a National Park; or  (d) a World Heritage Site,  development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.</p>	<p>an Area of Outstanding Natural Beauty, the Broads, a National Park or a World Heritage Site.</p>
<p>E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.  Interpretation of Class E</p>	<p>Not applicable, the site does not fall within the Conservation Area.</p>
<p>E.4 For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.</p>	<p>The proposed home office would be incidental to the enjoyment of the dwellinghouse as confirmed in the application form.</p>

### 7.3 Class F

<p>Development is not permitted by Class F 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); or</p>	<p>Not applicable.</p>
<p>(b) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).</p>	<p>Not applicable.</p>
<p>Conditions  F.2 Development is permitted by Class F subject to the condition that where—  (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and  (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,  either the hard surface is made of porous materials, or provision is made to direct run-off water from</p>	<p>The hard standing proposed would drain onto permeable lawns within the curtilage of the dwellinghouse.</p>

the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse	
---	--

#### **7.4 Conclusion**

7.5 It appears to the Local Planning Authority that the proposed development complies with Schedule 2, Part 1 Class E and Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) thereby falling within the scope of permitted development. Having regard to applicable national planning policies, and having taken all relevant material considerations into account, it is considered that the certificate of lawfulness should be granted in this instance.

#### **8.0 Recommendation**

8.1 **Grant certificate.**