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Certificate of Lawful Development - Supporting Statement



Project: Certificate of Lawful Development - Supporting Statement
Site Name: Sandpit Lodge, Bedwell Avenue, Essendon AL9 6HN
On behalf of: Mr Liam Griffin
Date: April 2023

DLBP Ltd is registered in England & Wales at the above address, number 7229435.
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A. SUMMARY AND CONCLUSIONS

1. This Supporting Statement accompanies the application for a Lawful Development Certificate to confirm that the proposed extensions and outbuildings at Sandpit Lodge, Bedwell Avenue, Essendon AL9 6HN are permitted development within the scope of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and are therefore lawful development.
2. The proposed extensions and outbuildings comprise:
 - single-storey rear extensions;
 - a single-storey side extension;
 - a single-storey basement, underneath the original dwellinghouse; and
 - a single-storey outbuilding.
3. The site lies in the Metropolitan Green Belt. The location of the property in the Metropolitan Green Belt does not restrict the use of permitted development rights. East Hertfordshire District Council does not have an adopted Article 4 Direction that restricts permitted development rights.
4. The proposed extensions and outbuilding are wholly in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 and the 'Permitted Development for Householders: Technical Guidance', published by CLG in April 2014.
5. We therefore respectfully request that a Certificate of Lawfulness is issued for the proposed works.

B. INTRODUCTION

6. This Supporting Statement accompanies the application for a Lawful Development Certificate to confirm that the proposed extensions and outbuildings at Sandpit Lodge, Bedwell Avenue, Essendon AL9 6HN are permitted development within the scope of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and are therefore lawful development.
7. The proposed extensions and outbuildings comprise:
 - single-storey rear extensions;
 - a single-storey side extension;
 - a single-storey basement, underneath the original dwellinghouse; and
 - a single-storey outbuilding.
8. Each of the above components of the proposed development are explained in greater detail in Section D.
9. Sandpit Lodge is a two storey, detached dwelling located to the east of Essendon Country Club. A garage is located across a public footpath to the north of the site, within the curtilage of Sandpit Lodge.
10. The proposed extensions and outbuilding are wholly in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the 'Permitted Development for Householders: Technical Guidance', published by CLG in April 2014.
11. Along with this supporting statement, the application is comprised of:
 - 1711/PD01 - Location Plan;
 - 1711/PD01 - Location Plan @ 1:1250;
 - 1711/PD03 - Existing Site Plan;
 - 1711/PD04 - Existing Ground Floor Plan;
 - 1711/PD05 - Existing First Floor Plan;
 - 1711/PD06 - Existing Roof Plan;
 - 1711/PD07 - Existing Front Elevation (West);
 - 1711/PD08 - Existing Side Elevation (South);
 - 1711/PD09 - Existing Rear Elevation (East);
 - 1711/PD10 - Existing Side Elevation (North);
 - 1711/PD11 - Proposed Site Plan;

- 1711/PD12 - Proposed Basement Plan;
- 1711/PD13 - Proposed Ground Floor Plan;
- 1711/PD14 - Proposed First Floor Plan;
- 1711/PD15 - Proposed Roof Plan;
- 1711/PD16 - Proposed Front Elevation (West);
- 1711/PD17 - Proposed Side Elevation (South);
- 1711/PD18 - Proposed Rear Elevation (East);
- 1711/PD19 - Proposed Side Elevation (North);
- 1711/PD20 - Proposed Outbuilding;
- 1711/PD21 - Site Overview;
- 1711/PD22 - North West Overview;
- 1711/PD23 - South West Overview;
- 1711/PD24 - South East Overview;
- 1711/PD25 - North East Overview;
- 1711/PD26 - Outbuilding Overview; and
- 1711/PD27 - Area Schedule.

The site

12. Sandpit Lodge is a two storey, detached dwelling located to the east of Essendon Country Club. A garage is located across a public footpath to the north of the site, within the curtilage of Sandpit Lodge.
13. This application is based on the dwelling as it existed on 1 July 1948. An application for a two storey front and single storey side extensions was approved by the Council in 2011, but this permission was not implemented in any capacity and has since expired.
14. The site is:
 - located within the Metropolitan Green Belt;
 - located within the Brickendon Wooded Slopes Landscape Character Area;
 - partially covered by the Broxbourne Woods Tree Preservation Order (mixed hardwoods); and
 - located in Flood Zone 1 (the lowest probability of flooding).
15. The site is not located in a conservation area or in the setting of a listed building. The site is not covered by an Article 4 Direction. The site is not located within an Archaeology Priority Zone. The site is not located within a Controlled Parking Zone. The site is not located within an Air Quality Management Area.
16. The relevant planning history for Sandpit Lodge is as follows:

- 3/10/1977/FP - Two storey front and single storey side extensions. Raising of roof ridge height with dormer windows to house - Granted 3 March 2011.

C. THE PROPOSAL

17. The proposed extensions and outbuildings comprise:
 - single-storey rear extensions;
 - a single-storey side extension;
 - a single-storey basement, underneath the original dwellinghouse; and
 - a single-storey outbuilding.
18. Each of the above components of the proposed development are explained in greater detail in Section D.
19. The application seeks confirmation from East Hertfordshire District Council that the proposed extensions and outbuilding are lawful and can be undertaken utilising permitted development rights as set out in the Town and Country Planning (Generally Permitted Development) (England) Order 2015 (as amended).

D. PERMITTED DEVELOPMENT RIGHTS

20. The proposed extensions and outbuilding are wholly in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the 'Permitted Development for Householders: Technical Guidance', published by CLG in April 2014.
21. The proposed development is assessed below to demonstrate the proposal's compliance with the relevant permitted development legislation.
22. The original dwellinghouse for the purposes of legislation is the dwelling as it existed in 1948.

Single-storey rear extensions

23. Single-storey rear extensions are proposed on all the rear elevations of the dwelling.
24. Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provides for the construction of:

The enlargement, improvement or other alteration of a dwellinghouse.
25. The proposed rear extensions are subject to the limitations provided in the above legislation, where development would not be permitted by Class A if (our comments in standard font):
 - *Class A.1 (a) - permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use) - the dwellinghouse has not undergone any changes of use and has remained as a dwellinghouse since its construction prior to 1880;*
 - *Class A.1 (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) - the proposed rear extensions, either individually or collectively with the other proposed extensions and outbuilding, would not exceed 50% of the total area of the curtilage;*
 - *Class A.1 (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 - the proposed rear extensions are single storey and would not exceed the height of the highest part of the roof of the existing dwellinghouse;*
 - *Class A.1 (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 - the proposed single storey rear extensions would not exceed the height of the eaves of the existing dwellinghouse;*
 - *Class A.1 (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 - the proposed rear extensions would not*

extend beyond the principal elevation, which is the southern-most elevation of the dwellinghouse, nor would it extend beyond a side elevation of the property;

- *Class 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 (ii) exceed 4 metres in height - the proposed rear extensions would not extend more than 4 metres beyond the rear wall of the original dwellinghouse (which is as the property exists now), and will be 4 metres in height;*
- *Class A.1 (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— (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height - the proposed rear extensions would not extend more than 8 metres beyond the rear wall of the dwellinghouse, nor would it exceed 4 metres in height;*
- *Class A.1 (h) - the enlarged part of the dwellinghouse would have more than a single 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 being enlarged which is opposite the rear wall of that dwellinghouse - Class A.1 (h) is not relevant to the proposed rear extensions as the proposed rear extension would not have more than a single storey;*
- *Class A.1 (i) - 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 - the proposed rear extensions are more than 2 metres from any boundary of the curtilage of the dwellinghouse, and the height of the eaves of the extension would not exceed 3 metres;*
- *Class A.1 (j) - 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 a single storey, or (iii) have a width greater than half the width of the original dwellinghouse - the proposed rear extensions would not exceed 4 metres in height, would not have more than a single storey, and would not have a width greater than half the width of the original dwellinghouse;*
- *Class A.1 (ja) - any total enlargement (being 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) - the proposed rear extensions would not exceed the limits as set out in sub-paragraphs (e) to (j) either individually or collectively with existing enlargements of the original dwellinghouse;*
- *Class A.1 (k) - it would consist of or include— (i) the construction or provision of a verandah, 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 - the proposed rear extensions would not comprise any of the above; and*

- *Class A.1 (l) - the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) - the dwellinghouse was not built under Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*
26. The proposed rear extensions are also assessed against the conditions in Class A.3; that the development would not be permitted by Class A.3 if:
- *Class A.3 (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 - similar materials to those used for the existing dwellinghouse will be used in the construction of the rear extensions;*
 - *Class A.3 (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 - the proposed windows of any side elevation will be obscure-glazed; and*
 - *Class A.3 (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 - the proposed rear extensions are single storey and do not form an upper storey on an existing enlargement of the original dwellinghouse, and as such Class A.3(c) is not relevant.*
27. Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provides for the construction of:
- The enlargement of a dwellinghouse consisting of an addition or alteration to its roof*
28. The proposed rear extensions are subject to the limitations provided in the above legislation, where development would not be permitted by Class B if (our comments in original font):
- *Class B.1 (a) - permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use) - the dwellinghouse has not undergone any changes of use and has remained as a dwellinghouse since its construction prior to 1880;*
 - *Class B.1 (b) - any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof - the proposed rear extensions would not exceed the highest part of the existing roof;*
 - *Class B.1 (c) - any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway - the principal elevation of the dwellinghouse does not front a highway. Nonetheless, no part of the dwellinghouse would extend beyond the plane of an existing roof slope which forms a principal elevation;*

- *Class B.1 (d) - the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than— (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case - the cubic content of the resulting alteration to the roof space does not exceed 50 cubic metres;*
- *Class B.1 (e) - it would consist of or include— (i) the construction or provision of a verandah, balcony or raised platform, or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe - the proposed rear extensions do not consist of the the construction or provision of any of the above elements;*
- *Class B.1 (f) - the dwellinghouse is on article 2(3) land - the dwellinghouse is not on article 2(3) land;*
- *Class B.1 (g) - the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) - the dwellinghouse was not built under Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); and*
- *Class B.1 (h) - the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys) - the existing dwellinghouse has not undergone any enlargement pursuant to Class AA.*

29. The proposed rear extensions are also assessed against the conditions in Class B.2; that the development would not be permitted by Class B.2 if:

- *Class B.2 (a) - the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse - similar materials to those used for the existing dwellinghouse will be used in the construction of the rear extensions;*
- *Class B.2 (b) - the enlargement must be constructed so that— (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension— (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse - the enlargement joins the original roof to the roof of the rear extension and, as such, conditions B.2(b)(i)(aa) and B.2(b)(i)(bb) do not apply. Regarding conditioned B.2(b)(ii), the enlargement joins the original roof to the roof of the rear extension and thus this condition does not apply.*
- *Class B.2 (c) - any window inserted on 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 - no window will be inserted as a consequence of alterations to the roof. The only proposed windows are at ground floor level and, as such, this condition is not relevant.*

Single-storey side extension

30. A single-storey side extension is proposed on the north facing elevation of the dwelling.

31. Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provides for the construction of:

The enlargement, improvement or other alteration of a dwellinghouse.

32. The proposed side extension is subject to the limitations provided in the above legislation, where development would not be permitted by Class A if (our comments in standard font):

- *Class A.1 (a) - permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use) - the dwellinghouse has not undergone any changes of use and has remained as a dwellinghouse since its construction prior to 1880;*
- *Class A.1 (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) - the proposed side extension, either individually or collectively with the other proposed extensions and outbuilding, would not exceed 50% of the total area of the curtilage;*
- *Class A.1 (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 - the proposed side extension is single storey and would not exceed the height of the highest part of the roof of the existing dwellinghouse;*
- *Class A.1 (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 - the proposed single storey side extension would not exceed the height of the eaves of the existing dwellinghouse;*
- *Class A.1 (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 - the proposed side extension would not extend beyond the principal elevation, which is the southern-most elevation of the dwellinghouse, nor would it front a highway;*
- *Class 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 (ii) exceed 4 metres in height - the proposed side extension would not extend more than 4 metres beyond the rear wall of the original dwellinghouse (which is as the property exists now), and is 4 metres in height;*
- *Class A.1 (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— (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a*

detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height - Class A.1(g) is not relevant to the proposed side extension as the date is after 30 May 2019;

- *Class A.1(h) - the enlarged part of the dwellinghouse would have more than a single 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 being enlarged which is opposite the rear wall of that dwellinghouse - Class A.1(h) is not relevant to the proposed side extension as the proposed side extension would not have more than a single storey;*
- *Class A.1(i) - 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 - the proposed side extension would be more than 2 metres from any boundary of the curtilage of the dwellinghouse, and the height of the eaves of the extension would not exceed 3 metres;*
- *Class A.1(j) - 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 a single storey, or (iii) have a width greater than half the width of the original dwellinghouse - the proposed side extension would not exceed 4 metres in height, would not have more than a single storey, and would not have a width greater than half the width of the original dwellinghouse as it existed in 1993;*
- *Class A.1(k) - it would consist of or include— (i) the construction or provision of a verandah, 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 - the proposed side extension would not comprise any of the above; and*
- *Class A.1(l) - the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) - the dwellinghouse was not built under Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

33. The proposed side extension is also assessed against the conditions in Class A.3; that the development would not be permitted by Class A.3 if:

- *Class A.3(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 - similar materials to those used for the existing dwellinghouse will be used in the construction of the side extension;*
- *Class A.3(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 - the proposed windows of any side elevation will be obscure-glazed; and*

- *Class A.3 (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 - the proposed side extension is single storey and does not form an upper storey on an existing enlargement of the original dwellinghouse, and as such Class A.3(c) is not relevant.*

34. Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provides for the construction of:

The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

35. The proposed side extension is subject to the limitations provided in the above legislation, where development would not be permitted by Class B if (our comments in original font):

- *Class B.1 (a) - permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use) - the dwellinghouse has not undergone any changes of use and has remained as a dwellinghouse since its construction prior to 1880;*
- *Class B.1 (b) - any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof - the proposed side extension would not exceed the highest part of the existing roof;*
- *Class B.1 (c) - any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway - the principal elevation of the dwellinghouse does not front a highway. Nonetheless, no part of the dwellinghouse would extend beyond the plane of an existing roof slope which forms a principal elevation;*
- *Class B.1 (d) - the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than— (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case - the cubic content of the resulting alteration to the roof space does not exceed 50 cubic metres;*
- *Class B.1 (e) - it would consist of or include— (i) the construction or provision of a verandah, balcony or raised platform, or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe - the proposed side extension does not consist of the the construction or provision of any of the above elements;*
- *Class B.1 (f) - the dwellinghouse is on article 2(3) land - the dwellinghouse is not on article 2(3) land;*
- *Class B.1 (g) - the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) - the dwellinghouse was not built under Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); and*

- *Class B.1 (h) - the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys) - the existing dwellinghouse has not undergone any enlargement pursuant to Class AA.*

36. The proposed side extension is also assessed against the conditions in Class B.2; that the development would not be permitted by Class B.2 if:

- *Class B.2 (a) - the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse - similar materials to those used for the existing dwellinghouse will be used in the construction of the side extension;*
- *Class B.2 (b) - the enlargement must be constructed so that— (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension— (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse - the enlargement joins the original roof to the roof of the side extension and, as such, conditions B.2(b)(i)(aa) and B.2(b)(i)(bb) do not apply. Regarding conditioned B.2(b)(ii), the enlargement joins the original roof to the roof of the side extension and thus this condition does not apply.*
- *Class B.2 (c) - any window inserted on 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 - no window will be inserted as a consequence of alterations to the roof. The only proposed windows are at ground floor level and, as such, this condition is not relevant.*

Single-storey basement, underneath the original dwellinghouse

37. A single-storey basement extension underneath the original dwellinghouse and extended beyond the rear of the dwelling by 3 metres is proposed.

38. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) does not make specific reference to basement or below-ground extensions. However, as an extension, this aspect of the proposal is considered to fall within the scope of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The single storey basement would therefore be permitted development providing it does not infringe on any of the limitations within Class A.

39. This view was taken by an Inspector in the 2019 appeal decision APP/T5150/X/19/3222020 (Appendix 1), who notes at paragraph 9:

Whilst there is no direct reference to basements or light wells in the GPDO, the parties are correct to surmise that the planning permission granted by Class A of Schedule 2, Part 1 of the GPDO for enlargements, improvements or other alterations of a dwellinghouse could potentially allow for basement extensions, subject to the limitations set out therein at A.1.

40. The proposed basement extension is subject to the limitations provided in the above legislation, where development would not be permitted by Class A if (our comments in standard font):

- *Class A.1 (a) - permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use) - the dwellinghouse has not undergone any changes of use and has remained as a dwellinghouse since its construction prior to 1880;*
- *Class A.1 (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) - the proposed side extension, either individually or collectively with the other proposed extensions and outbuilding, would not exceed 50% of the total area of the curtilage;*
- *Class A.1 (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 - the proposed basement would not exceed the height of the highest part of the roof of the existing dwellinghouse;*
- *Class A.1 (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 - the proposed basement would not exceed the height of the eaves of the existing dwellinghouse;*
- *Class A.1 (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 - the proposed basement is situated under the footprint of the original dwellinghouse and would extend beyond the rear of the dwellinghouse only. Consequently, it would not extend beyond a wall forming the principal elevation of the dwellinghouse, or fronts a highway;*
- *Class 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 (ii) exceed 4 metres in height - the proposed basement extension would not extend beyond 4 metres of the rear of the original dwellinghouse, as it existed in 1993, or exceed 4 metres in height;*
- *Class A.1 (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— (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4*

metres in height - Class A.1 (g) is not relevant to the proposed basement extension as the date is after 30 May 2019;

- *Class A.1 (h) - the enlarged part of the dwellinghouse would have more than a single 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 being enlarged which is opposite the rear wall of that dwellinghouse - Class A.1 (h) is not relevant to the proposed extension as the proposed basement extension would not have more than a single storey;*
- *Class A.1 (i) - 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 - the proposed basement extension would not be within 2 metres of the boundary of the curtilage and would not have eaves;*
- *Class A.1 (j) - 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 a single storey, or (iii) have a width greater than half the width of the original dwellinghouse - the proposed basement extension would not extend beyond a wall forming a side elevation of the original dwellinghouse, as it existed in 1993;*
- *Class 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) exceed or would exceed the limits set out in sub-paragraphs (e) to (j) - the proposed basement extension would not exceed the limits as set out in sub-paragraphs (e) to (j) either individually or collectively with existing enlargements of the original dwellinghouse;*
- *Class A.1 (k) - it would consist of or include— (i) the construction or provision of a verandah, 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 - the proposed basement extension would not comprise any of the above; and*
- *Class A.1 (l) - the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) - the dwellinghouse was not built under Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

41. The proposed basement extension is also assessed against the conditions in Class A.3; that the development would not be permitted by Class A.3 if:

- *Class A.3 (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 - the proposed basement would not be visible from the exterior of the house, however, similar materials to those used for the existing dwellinghouse will be used in the construction of the basement;*
- *Class A.3 (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 - this condition is not relevant to the proposed basement; and

- *Class A.3 (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 - this condition is not relevant to the proposed basement.*

Single-storey outbuilding

42. A single-storey outbuilding is proposed to be erected to the south of the dwelling on a parcel of vacant land within the curtilage of Sandpit Lodge.
43. The proposed single-storey outbuilding will contain a home gym, a shower room and a study, to be used incidental to the enjoyment of the dwellinghouse.
44. Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provides for the construction of:

The provision within the curtilage of the dwellinghouse of—

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

45. The proposed outbuilding is subject to the limitations provided in the above legislation, where development would not be permitted by Class E if (our comments in standard font):
 - *Class E.1 (a) - permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use) - the dwellinghouse has not undergone any changes of use and has remained as a dwellinghouse since its construction prior to 1880;*
 - *Class E.1 (b) - the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse) - the proposed building, either individually or collectively with the other proposed extensions, would not exceed 50% of the total area of the curtilage when accounting for the area of the original dwellinghouse and the other proposed extensions;*
 - *Class E.1 (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 - the proposed outbuilding would not be situated forward of the principal elevation of the dwellinghouse;*

- *Class E.1 (d) - the building would have more than a single storey - the proposed outbuilding is single-storey;*
- *Class E.1 (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 proposed outbuilding would have a pitched roof and would not be within 2 metres of the boundary of the curtilage of the dwellinghouse. As such, the outbuilding is proposed to be 3 metres in height;*
- *Class E.1 (f) - the height of the eaves of the building would exceed 2.5 metres - the height of the eaves of the outbuilding would not exceed 2.5 metres;*
- *Class E.1 (g) - the building, enclosure, pool or container would be situated within the curtilage of a listed building - the dwellinghouse associated with the proposed outbuilding is not a listed building, and the proposed outbuilding is not situated within the curtilage of a listed building;*
- *Class E.1 (h) - it would include the construction or provision of a verandah, balcony or raised platform - the proposed outbuilding does not have a verandah, balcony or raised platform;*
- *Class E.1 (i) it relates to a dwelling or a microwave antenna - the proposed outbuilding does not relate to a dwelling or microwave antenna;*
- *Class E.1 (j) the capacity of the container would exceed 3,500 litres - the outbuilding is not proposed to be a container, and as such this criteria is not relevant to the proposal; and*
- *Class E.1 (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) - the dwellinghouse was not built under Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*