

# DELEGATED DECISION REPORT

## APPLICATION NUMBER

### 193197

Sunnymeade, Back Lane, Weobley, Hereford, HR4 8SG

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**CASE OFFICER:** Miss Amber Morris

**Relevant Development Plan Policies:** **General permitted Development Order (GPDO) 2015, as amended**

**Relevant Site History:** **P193196/AM** – Proposed non-material amendment to planning permission 191663 – **Approved.**

**P191663/FH** – Proposed two storey rear extension and new external rendered finish to fairfaced blockwork walls – **Approved.**

**N120878/FH** – Amendments to approved plans: Replacement car-port, addition of timber lean-to conservatory, various internal alterations, fire exit from first floor and amended windows in studio – **Approved.**

**N103295/FH** – Demolition of single storey side extension, construction of new two storey side extension and detached garage – **Approved.**

**N102473/F** – Internal alterations and erection of single storey and two storey extensions with attached garage – **Withdrawn.**

**DCH970657/F** – Erection of first floor extension to provide self-contained flat and erection of car port – **Approved.**

### CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Local Member	X				

## PLANNING OFFICER'S APPRAISAL:

### Site description and proposal:

Sunnymeade is a detached dwelling situated in the village of Weobley. A certificate of lawfulness for proposed works to the fenestration of Sunnymeade this includes:

- The canopy porch to be removed from east elevation as well as the door and side windows replaced with a single window.
- A new canopy porch to be added at the main entrance, along with
- The side window at base of stairs changed to an external door (the stairs will be relocated).a
- French doors from existing first floor Bedroom at south elevation removed and opening blocked up & made good.
- French doors to snug at ground floor blocked up & made good to make space for new stairs.

### Representations:

**Local Member** – Informed via email on 5<sup>th</sup> November 2019.

### Pre-application discussion:

N/A

### Constraints:

Off B4230  
Conservation area  
SSSI impact zone  
Ancient monument adjacent

### Appraisal:

#### *Policy context and Principle of Development*

The Town and Country Planning Act 1990 (As Amended) defines development for the purpose of the Act at s55 (1) as follows:

*"Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."*

S55 (2) sets out the instances which shall not, for the purpose of the Act, be taken to involve development:-

S55 (2) (a) (i) and (ii) states as follows:-

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;*

Therefore it falls to consider the introduction of a window and blocking up of other fenestration would “materially affect” the external appearance of the building. In my view and on the facts of this case, it would not.

Furthermore, Schedule 2 Permitted development rights Part 1 (Development within the curtilage of a dwellinghouse) under Class A (enlargement, improvement or other alteration of a dwellinghouse) does not directly reference ground floor windows, it does however under conditions listed in A.3 (b) state 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. As such the inference is ground floor windows do not require planning permission having regard to the other provisions of Class A in respect of this proposal.

On this basis I am content that there is no material affect to the external appearance, and planning permission is required for these proposed changes, therefore a certificate of lawfulness may be issued accordingly.

**RECOMMENDATION:**    **PERMIT** ☒    **REFUSE** ☐

**CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:**

*(please note any variations to standard conditions)*

1. C06 (application form and drawing number 479.08 rev A)

## Informatives

The proposal has been considered in relation to the application form and drawings no. 479/08 rev. A.

Signed: 

Dated: 05/11/2019

**TEAM LEADER'S COMMENTS:**

**DECISION:**

**PERMIT** ☒

**REFUSE** ☐

Signed: AB ..... Dated: 5/11/19