

East Area Planning Committee

2nd September 2015

Application Number: 15/02146/CPU

Decision Due by: 8th September 2015

Proposal: Application to certify that the proposed conversion of garage to habitable space ancillary to the main house is lawful.

Site Address: 75 Cranmer Road Oxford OX4 2QB **Appendix 1**

Ward: Lye Valley Ward

Agent: Mr Marc Joines

Applicant: Mr James Mcdowell

This application is required to be brought before committee as the applicant is related to a member of the council staff.

Recommendation:

That the proposed development is lawful and that the certificate should be granted.

Reason for Approval:

The proposal has been examined and it is concluded that it is development permitted by Class A, of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and does not, therefore require planning permission to be obtained from the local planning authority provided that the proposal is carried out as described (ancillary habitable space within existing C3 residential use) and is within the curtilage of this property.

Legislation:

Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.

Principal Planning Policies:

Not relevant

The Application:

The application is for a certificate of lawfulness of proposed use to certify that the

proposed conversion of an existing detached garage into habitable space ancillary to the main dwelling-house is lawful.

The planning merits of this application do not fall to be considered as part this assessment for a certificate of lawfulness, the only matter to be considered is whether the proposal is lawful or whether in fact it amounts to development that requires planning permission.

Officers Assessment:

Site and Surroundings

1. The application property is a typical two storey, semi-detached residential dwelling in the residential area of Cowley. The current use of the property remains as originally built - C3 residential use.
2. The property has a hipped roof, bay window to the front ground floor and a medium sized front garden with drive to the side that leads down to an existing garage and there is a dropped kerb to the front of the property. The existing garage may have been built as part of the original or developed sometime in the 1950s and is within the C3 dwelling-house use.
3. The existing garage is a detached incidental out-building, set back from and to the side of the main house within the rear garden curtilage area. It measures 2.5m in height, with a footprint measuring 10.03m long x 3.24m wide.

The Proposal

4. The proposal to alter the garage from an incidental garage building to ancillary residential habitable space will not involve a change of use as the entire property will remain in Use class C3 residential use.
5. As an ancillary residential building to the main dwelling house this proposed alteration would not include use as a separate self-contained dwelling unit that could be occupied as a separate household. The application is for use of the garage as ancillary habitable space to the main dwelling-house and will include a living room, and a bedroom with an en-suite shower room and WC.
6. In cases where there are no planning conditions requiring that garages be retained for vehicle storage use, it is common practice, particularly in cases where the garage is built integral to the dwelling-house, for a garage to be incorporated into the ground floor space of the dwelling-house. The fact that in this case the garage is detached does not alter that fact that it is part of the C3 planning unit and therefore given that there are no restrictive planning conditions on its use, it is lawful to be used as ancillary habitable space.
7. In a situation where a garage at a dwelling house is converted to form an

additional room or rooms there is no material change of use. One type of residential use of floor space within the same planning unit is simply being replaced by another: Section 55(2)(d) of the 1990 Act specifically allows the use of any buildings or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

Material alterations

8. The application proposes making some material alterations to the external appearance of the garage that amount to operational development, namely the replacement of the garage doors with glazed French doors, the insertion of two new windows in the rear elevation, and the replacement of the existing windows in the side elevation facing the garden with two slightly larger windows and a new doorway.
9. These proposed material alterations to the external appearance of the garage all fall well within the limits and conditions of “permitted development” as set down in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 and therefore the operational development falls within the limits of permitted development. The drawings submitted indicate that the external materials to be used would be of a similar appearance to those used in the construction of the exterior of the existing dwelling-house, namely UPVC windows, brick walls and tiled roof and therefore will meet the conditions of the class that require materials to be of a similar appearance.

Conclusion:

The proposed development is lawful and the certificate should be issued.

Contact Officer: Nadina Ranson

Extension: 2308

Date: 18th August 2015

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