

## PLANNING APPLICATION REPORT

**Case Officer:** Graham Smith

**Parish:** East Portlemouth **Ward:** Stokenham

**Application No:** 2918/23/CLP

**Agent/Applicant:**

Mr Mark Evans - Mark Evans Planning  
Limited  
Cedar House  
Membland  
Newton Ferrers, Plymouth  
PL8 1HP

**Applicant:**

Mr P Nagle  
Harbour Watch  
East Portlemouth  
TQ8 8PU

**Site Address:** Harbour Watch, East Portlemouth, TQ8 8PU

**Development:** Certificate for lawfulness for proposed refurbishment & alterations to existing dwelling including new & enlarged windows & doors, new roof lights, rear conservatory extension & two outbuildings within domestic curtilage to accommodate indoor swimming pool & outdoor waterside storage & changing area

**Recommendation:** REFUSAL – Planning Permission Required

**Key issues for consideration:**

The key issue to consider in the assessment of the current application is whether or not the proposed development complies with Schedule 2, Part 1, Classes A, C, E and D of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and is therefore permitted development.

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**Site Description:**

The property is a two storey detached dwellinghouse on the coastline looking out towards Salcombe Harbour set within spacious grounds containing mature trees with land sloping downwards to the beach. Vehicular access is taken from a lane to the south which sits above the site. The property has been extended several times in the past with pitched roof design and a detached garage between the dwelling and lane.

Trees along the southern boundary are protected by a TPO and also woodland to the rear of the property (ref: 953). The site is also located within South Devon Area of Outstanding Natural Beauty and the Undeveloped Coast. The Salcombe to Kingsbridge Estuary is a Special Site of Scientific Interest (SSSI).

**The Proposal:**

The development proposes the following:

- New and enlarged windows and doors on the east, south and western elevations
- New roof lights on northern and southern roof planes

- An existing rear extension would be extended approximately 1 metre to the north and converted to a conservatory with full height glazing and pitched roof.
- Outbuilding 1 – indoor swimming pool – A pitched roofed building 9.6m x 2.9m – 3.7m in height to the top of the apex from ground level.
- Outbuilding 2 – An incidental watersports storage/changing room/wetsuit hanging area situated by the water's edge measuring 5.5 in length, 1.6m in width and 2.9m high from the ground to the apex of the sloping roof.
- New porch on northeast elevation measuring 1.3m x 2.2m with a height of 2.8m

### Consultations:

- Town/Parish Council - "The application lacks significant information, especially on tree loss in a site of many TPO's. There is no planning statement recorded on the website although this is referred to in some of the documentation. We would question the definition of principal elevation used for this application which is the determining factor for certificate of lawfulness applications. We believe the principal elevation is the south elevation which faces the road and not the smaller and less significant, west elevation which includes the front door. Equally, it could be argued that the principal elevation could be that which faces the estuary to the north. The application is detrimental to the visual impact of the area in AONB and views from the water. As a full application, we would be objecting on a number of grounds, including light pollution, loss of trees and lack of information."
- Whilst no consultations are required for this type of application, given that woodland within the site is protected the Senior Tree Officer was consulted. They **OBJECTED** to the proposal due to concerns about the impact of the development upon the protected woodland. No concerns were raised with regards to construction, the concern relates solely to the introduction of high value targets encroaching into the protection area making it harder to refuse works that would otherwise be resisted if they weren't there.

### Representations:

Three representations were received to application with one from the South Hams Society. The points raised can be summarised as follows:

1. The application makes reference to a planning statement however this is not available to view.
2. The site is at a prominent part of a very sensitive landscape and contains protected trees. No information is given on what the impact on the trees will be and what mitigation is available. The encroachment of the development into a TPO area should override any permitted development rights and it is requested the application be refused.
3. The swimming pool building is to be constructed where the existing septic tank and pump are located meaning a requirement for a new foul drainage facility within 50 metres of the Kingsbridge Estuary SSSI.
4. There is no record of a prior to commencement condition attached to a previous permission for this site being formally discharged and it is suggested that the development is unlawful if the condition was not satisfied.

## Relevant Planning History

20/1875/07/F - Extension and alterations to fenestration **CONDITIONAL APPROVAL** 8 October 2007

4669/21/HHO - Householder application for construction of new boathouse and associated landscaping **WITHDRAWN**

4683/21/FUL - Demolition of existing house and garage. Replacement detached dwelling, outside pool, gazebo and associated landscaping **WITHDRAWN**

0688/22/PR4 - Demolition of house and replacement dwelling and associated landscaping & proposal for new boathouse. Concerns raised relating to landscape impact, carbon footprint and impact on natural environment (SSSI). **NO OFFICER SUPPORT GIVEN**

0854/23/FUL - Demolition of existing detached house & detached garage, erection of replacement detached dwelling, outside pool, boathouse & associated landscaping **REFUSED** 4 May 2023

## ANALYSIS

Firstly one of the objectors makes reference to a pre-commencement condition attached to a previous permission in 2007 for extensions and alterations to fenestration. They argue that as that condition, which required further details of an area of decking (in terms of its siting, use of materials and design) was not formally discharged the property should be considered to be unlawful and does not therefore benefit from permitted development rights. A review of the planning history confirms that there was indeed a pre-commencement condition and no subsequent application submitted to discharge said condition. The decking, which is of typical timber construction is now well established and appears to have been constructed shortly after permission was granted. The siting of the decking and its finishing materials (including the balustrade) was already detailed in the plans which were subsequently approved as part of that application.

Case law<sup>1</sup> has established that for a breach of condition to render implementation of a permission unlawful that in addition to the wording of the condition, one needs to consider the context of the condition. In this case are the details of the decking central to the development described as fenestration changes and extensions? In the circumstances officers would not consider that this condition goes to the heart of the permission. It is therefore concluded that the permitted development rights for the property are intact.

## Principal elevation

There is some disagreement between parties with regards to what constitutes the principal elevation with the applicant of the opinion that the northeastern elevation is and Parish Council considering the southerly elevation is.

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<sup>1</sup> Bedford Borough Council v The Secretary of State for Communities and Local Government and Aleksander Stanislaw Murzyn [2008] EWHC 2304(Admin)

The Technical Guidance<sup>2</sup> states that instances where there are multiple elevations *‘which may have the character of a principal elevation, for example on a corner plot’* it states that *‘a view will need to be taken’* as to which elevation *‘forms the principal elevation.’*

Officers have carefully considered this, including additional submissions by the applicant and are of the view that the northeast elevation, which is the main elevation facing the waterside is principal. The main living space, glazing and architectural features on this extended dwelling face outwards towards the water on this elevation with direct access out onto the waterside and all the associated traffic at this busy part of Salcombe Harbour.

Whilst the applicant and objector make a case that the other elevations front the highway at an angle officers would highlight that the technical guidance states that the front of the house is not necessarily the principal elevation in every case. These other elevations would all be considered by officers to be secondary both in terms of their architectural features and their functional relationship to the public realm with topography rising upwards from the house to the quiet country lane. As a matter of judgement therefore officers have determined that the principal elevation is the northeast/waterside elevation.

Each of the different aspects of the proposal will now be addressed separately as follows:

### **New and enlarged windows and doors on the east, south and western elevations**

The case officer is required to consider if the changes to fenestration amount to ‘development’ as so defined at s.55 of the Town and Country Planning Act 1990 and, if so, whether that development is deemed permitted or requires express planning permission.

‘Development’ is defined in Section 55(1) of the Town and Country Planning Act 1990 as ‘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 building or land.’

Section 55(2) further states that, ‘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;’

When seen in this context the alterations to openings are extensive and will be relatively prominent on public facing elevations. They will materially alter the appearance of the dwelling and increase light spill and in this respect they are considered to represent development.

The Case Officer is then required to assess this aspect of the development under the provisions of under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

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<sup>2</sup> Permitted development rights for householders Technical Guidance 2019 (p.7)

<b>A.1 Development is not permitted by Class A if—</b>	
(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);	No
(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);	No
(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;	No
(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;	No
(e) the enlarged part of the dwellinghouse would extend beyond a wall which—	
(i) forms the principal elevation of the original dwellinghouse; or	No
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;	No
(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	No
(ii) exceed 4 metres in height;	No
(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	N/A
(ii) exceed 4 metres in height;	N/A
(h) the enlarged part of the dwellinghouse would have more than a single storey and—	N/A
(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or	N/A
(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;	N/A
(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;	N/A
(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,	N/A
(ii) have more than a single storey, or	N/A
(iii) have a width greater than half the width of the original dwellinghouse;	N/A
(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);	N/A
(k) it would consist of or include—	
(i) the construction or provision of a verandah, balcony or raised platform,	No
(ii) the installation, alteration or replacement of a microwave antenna,	No
(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or	No
(iv) an alteration to any part of the roof of the dwellinghouse.	No
(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	No
<b>A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—</b>	<b>Yes</b>
(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	No
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	No
(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	No
(d) any total enlargement (being the enlarged part together with any existing enlargement of	No

the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).	
<b>Conditions</b>	
A.3 Development is permitted by Class A subject to the following conditions—	
(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;	
(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; and	
(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 replacement/enlarged windows and doors would be considered to constitute permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

### **Rooflights**

This type of development requires to be assessed against Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).—  
*other alterations to the roof of a dwellinghouse*

<b>C.1 Development is not permitted by Class C if—</b>	
(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);	No
(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;	No
(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or	No
(d) it would consist of or include—	
(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or	No
(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.;	No
or	
(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	No
<b>Conditions</b>	
C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—	
(a) obscure-glazed; and	
(b) 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 rooflights would be considered to constitute permitted development under schedule 2, part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

### **Conservatory extension**

This aspect of the development needs to be checked against schedule 2, part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

<b>A.1 Development is not permitted by Class A if—</b>	
(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);	No
(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);	No
(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;	No
(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;	No
(e) the enlarged part of the dwellinghouse would extend beyond a wall which—	
(i) forms the principal elevation of the original dwellinghouse; or	<b>Yes</b>
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;	No
(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	No
(ii) exceed 4 metres in height;	No
(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	No
(ii) exceed 4 metres in height;	No
(h) the enlarged part of the dwellinghouse would have more than a single storey and—	No
(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or	No
(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;	No
(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;	No
(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,	No
(ii) have more than a single storey, or	No
(iii) have a width greater than half the width of the original dwellinghouse;	No
(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);	No
(k) it would consist of or include—	
(i) the construction or provision of a verandah, balcony or raised platform,	No
(ii) the installation, alteration or replacement of a microwave antenna,	No
(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or	No
(iv) an alteration to any part of the roof of the dwellinghouse.	No
(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	No
<b>A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—</b>	
(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	No
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	No
(c) the enlarged part of the dwellinghouse would have more than a single storey and extend	No

beyond the rear wall of the original dwellinghouse.	
(d) 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 (b) and (c).	No
<b>Conditions</b>	
A.3 Development is permitted by Class A subject to the following conditions—	
(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;	
(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; and	
(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 Conservatory would not be considered to constitute permitted development under schedule 2, part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as it projects beyond the principal elevation.

### **Outbuilding 1 – indoor swimming pool**

Outbuildings are covered by schedule 2, part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

<b>E.1</b> Development is not permitted by Class E if—	
(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);	No
(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);	No
(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;	No
(d) the building would have more than a single storey;	No
(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,	No
(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	N/A
(iii) 3 metres in any other case;	N/A
(f) the height of the eaves of the building would exceed 2.5 metres;	No
(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;	No
(h) it would include the construction or provision of a verandah, balcony or raised platform;	No
(i) it relates to a dwelling or a microwave antenna;	No
(j) the capacity of the container would exceed 3,500 litres.; or	No
(k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	No
<b>E.2</b> In the case of any land within the curtilage of the dwellinghouse which is within—	
(a) an area of outstanding natural beauty;	Yes
(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.	No
<b>E.3</b> 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.	<b>Yes</b>
<b>Interpretation of Class E</b>	
<b>E.4</b> 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.	

The outbuilding would not be considered to constitute permitted development under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

### **Outbuilding 2 Watersports Store**

It is necessary to consider the outbuilding against Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

<b>E.1</b> Development is not permitted by Class E if—	
(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);	No
(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);	No
(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;	<b>Yes</b>
(d) the building would have more than a single storey;	No
(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,	No
(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	N/A
(iii) 3 metres in any other case;	N/A
(f) the height of the eaves of the building would exceed 2.5 metres;	No
(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;	No
(h) it would include the construction or provision of a verandah, balcony or raised platform;	No
(i) it relates to a dwelling or a microwave antenna;	No
(j) the capacity of the container would exceed 3,500 litres.; or	No
(k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	No
<b>E.2</b> In the case of any land within the curtilage of the dwellinghouse which is within—	
(a) an area of outstanding natural beauty;	Yes
(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.	No
<b>E.3</b> 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	No

boundary of the curtilage of the dwellinghouse.	
<b>Interpretation of Class E</b>	
<b>E.4</b> 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.	

The outbuilding would not be considered to constitute permitted development under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

### **Porch**

This aspect of the development needs to be checked against schedule 2, part 1, Class D of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

<b>D.1 Development is not permitted by Class D if—</b>	
(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);	No
(b) the ground area (measured externally) of the structure would exceed 3 square metres;	No
(c) any part of the structure would be more than 3 metres above ground level; or	No
(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.	No

The front porch would be considered to constitute permitted development when considered against the criteria of schedule 2, part 1, Class D of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

### **Conclusion**

The proposed changes have been considered against the relevant legislation and officers would agree that the following aspects are permitted development:

- **New and enlarged windows and doors on the east, south and western elevations** - Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- **Rooflights** - schedule 2, part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
- **Porch** - schedule 2, part 1, Class D of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The following aspects of the proposal are not considered to be permitted development:

- **Conservatory extension** - schedule 2, part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- **Outbuilding 1 – indoor swimming pool** - Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- **Outbuilding 2 Watersports Store** - Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

A split decision cannot be issued in the circumstances and, as permission is required for the two outbuildings and the conservatory, the certificate is hereby refused.

## **Planning Policy**

This application is a legal determination and planning policy and planning merits cannot be taken into account.

## **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

**The above report has been checked and the plan numbers are correct in APP and the officers report. As Determining Officer I hereby clear this report and the decision can now be issued.**

**Name and signature:** Graham Smith

**Date:** 7<sup>th</sup> December 2023