



Appeal Decisions

Site visit made on 12 January 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2021

Appeal A: APP/Z3635/X/20/3250404

10 Park Road, Ashford TW15 1EY

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Gabby Dillon against the decision of Spelthorne Borough Council.
 - The application Ref 19/01444/CLD, dated 21 October 2019, was refused by notice dated 18 December 2019.
 - The application was made under section 191(1)(a) and 191(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The use and development for which a certificate of lawful use or development is sought is described as the lawful building operation and use of the original parts of the outbuilding for established ancillary use and the lawful building operation and incidental use of the extension to the outbuilding.
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Appeal B: APP/Z3635/W/20/3250410

10 Park Road, Ashford TW15 1EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Gabby Dillon against the decision of Spelthorne Borough Council.
 - The application Ref 19/01595/FUL, dated 22 November 2019, was refused by notice dated 16 January 2020.
 - The development proposed is the conversion of the existing annexe building at 10 Park Road to form a C3 (single residential dwelling) unit with ancillary garden amenity space, refuse and recycling and cycle store.
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Decisions

Appeal A: Appeal A: APP/Z3635/X/20/3250404

1. The appeal is dismissed in respect of the extension to the original L shaped outbuilding in so far that it is not permitted development by virtue of the permitted development requirements of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The appeal is allowed in respect of the lawful building operation and use of the original part of the L shaped outbuilding for an established use ancillary to the primary use of No 10 Park Road, Ashford, TW15 1EY as a dwelling house, and attached to this decision is a certificate of lawful use or development describing the existing use and building operation which is considered to be lawful.

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2. The appeal is allowed and planning permission is granted for the conversion of the existing annexe building at 10 Park Road, Ashford TW15 1EY to form a C3 (single residential dwelling) unit with ancillary garden amenity space, refuse and recycling and cycle store, in accordance with the terms of the application Ref 19/01595/FUL, dated 22 November 2019, subject to the conditions set out in the attached schedule.

Main Issues

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3. By way of background, there is no dispute between the parties that the appeal outbuilding to the rear of No 10 Park Road, Ashford has been constructed in phases. The appellant claims that an outbuilding was erected in April 1997 and then extended in June 2003 (i.e. the 'original' L shaped outbuilding) and that it was used for the storage of garden tools, small tools and other items of tools used for the appellant's work in the building trade, i.e. an incidental use not requiring planning permission. Then in 2014 the appellant says that the outbuilding was changed such that it included a kitchenette, shower room, two sofas and a desk, i.e. an ancillary use not requiring planning permission.
4. Finally, the appellant says that in March 2018 a pitched roofed extension was added to the L shaped 'original' outbuilding for the purpose of being used as a games room which it is claimed was permitted development by virtue of Class E of Schedule 2 of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) from both a size and incidental use point of view.
5. In the context of the above, the main issue is whether the Council's refusal to issue a certificate of lawfulness was well-founded. That turns on whether the appellant can demonstrate, on the balance of probabilities, that a lawful building operation and use of the "*original*" parts of the outbuilding for an established ancillary has taken place and that a lawful building operation and incidental use of an extension to the building has taken place.

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6. The main issue is the effect of the development on (i) the character and appearance of the area and (ii) the living conditions of future occupants in respect of outlook.

Reasons

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7. In order for an LDC to be granted under section 191 of the 1990 Act, the burden of proving relevant facts in this appeal rests on the appellant, and the test of the evidence is the balance of probability. The planning merits of the use being sought are not before me.
8. Paragraph 006 of the Lawful Development Certificates section of the National Planning Practice Guidance (NPPG) advises in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less

than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

Original L shaped outbuilding

9. I have no reason to disagree with the main parties that the 'original' L shaped building was permitted development in terms of its size. Whilst there are no photographs to corroborate the appellant's claim that such a building was originally used for the storage of garden tools, small tools and other items of tools used for the appellant's work in the building trade, this is perhaps not surprising given that this was quite some time ago.
10. I afford weight to the statutory declaration signed by the appellant where he refers to the history of the use of the original L shaped building. The Government's Technical Guidance: Permitted Development Rights for Householders 2019 (Householder Technical Guidance) states that "*a purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen*". In this regard, I consider that on the balance of probability, the original building was used for an incidental purpose. Owing to this, coupled with its overall size, the development at this time complied with permitted development requirements and hence did not need planning permission.
11. In reaching the above view, I also afford weight to the letter, dated 13 February 2020, from the Council's Area Building Surveyor to the appellant where he states that during the inspection of the work (i.e. 2008) "*the outbuilding to the rear of the property at the time of my inspection was used as an office and storage for building materials and tools*". This does, at the very least, support the appellant's claim that the original building was used for the storage of tools and that the additional inclusion of an office, even if part of the first use of the L shaped building, did not take it out of an incidental use.
12. The appellant's signed statutory declaration states that in September 2014 "*I inserted a small kitchenette and shower room within the outbuilding for ancillary purposes connected with the use of the property*". I acknowledge that there are no dated photographs relating to these internal changes. Nevertheless, I have established that the original L shaped building was originally used for an incidental purpose. It was therefore permitted development at that time and hence lawful. As part of my site visit, I was able to see the kitchenette and shower room in the building.
13. I do consider that the building has subsequently been used for an "ancillary" use, although in saying this I would add that Section 55(2) (d) of the Act actually refers to "*the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such*" is not development. It is my experience that the words incidental and ancillary are often used interchangeably by practitioners in this context. However, and for the avoidance of doubt, I am satisfied that the original L shaped building was subsequently put to an 'incidental' use without the need for planning permission.
14. On the balance of probability, I conclude that the evidence is sufficiently precise and unambiguous to demonstrate that in September 2014 the L shaped

original building was used for an ancillary use (technically an incidental use with reference to the Act) in connection with No 10 Park Road. Having regard to Section 55(2) of the Act, the change to an 'incidental' use (or as referred to by the appellant an 'ancillary' use) did not amount to a material change of use requiring planning permission.

Extension to the original L shaped outbuilding

15. There is no dispute between the main parties that the original L shaped building was extended in March 2018 and that in terms of its size it complies with the permitted development right requirements of Class E of the GPDO. The extension has a pitched roof and part of the external wall of the original L shaped building is retained and is internally visible from the extension. However, the appellant has confirmed that the original external wall to the living room area was removed as part of the extension and I was able to view this opening as part of my site visit. To this extent, I consider that the extension is seen as being part and parcel of one building: the circulation space between the extension and the living room is open.
16. Class E of the GPDO states that permitted development is "*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*". On page 12 of the appellant's Planning Statement, he states that the extension was erected for an incidental purpose, i.e. "*the extension was and has been used as a games room thereby taking in an incidental use to 10 Park Road*". However, on page 11 of the appellant's Planning Statement it states that in March 2018 the extension included an upturned mattress, guitar and music paraphernalia, foosball table, sports equipment and Halloween decorations.
17. In addition to the above, and whilst not supported by any photographs, the Council says that a site visit showed that the game and lounge area contained many pieces of furniture such as sofas, tables and a desk as well as other belongings including a mattress.
18. I do not doubt that the extension did originally include foosball. Indeed, I was able to see this as part of my site visit. However, the foosball takes up a very small proportion of the overall floorspace of the extension. The evidence is not therefore sufficiently precise or unambiguous to demonstrate that the extension was originally built with the purpose of being used solely as a games room. In fact, the evidence casts sufficient doubt about the appellant's claim about this matter. On the balance of probability, I consider that in this case the extension was built for a purpose that was part and parcel of the ancillary living accommodation associated with the original building. This view is reinforced given that there is no physical separation between the living room area and the extension.
19. Even if one were to disagree with my view above, it is of note that the Householder Technical Guidance states that "*a purpose incidental to a house would not, however, cover normal residential uses such as...*". The list of example residential uses is not a closed list. I consider that storing decorations or the storage and/or use of a guitar/music paraphernalia would be incidental uses. However, whilst I acknowledge the appellant's claim that when the Council visited the extension the mattress in the extended outbuilding did not

include bed sheets and was 'being stored', I have not actually been provided with sufficient reason as to the specific circumstances which led to the mattress being allegedly 'stored' in the extension. In other words, it is not clear where and how the mattress would be used following a period of alleged storage. In the absence of any persuasive argument relating to the circumstances relating to the alleged storage of the mattress, there remains a possibility that it has been used for the purpose of sleeping in the extension.

20. Bearing in mind that the onus rests with the appellant to demonstrate his case, the evidence before me is not sufficiently precise or unambiguous in so far as demonstrating that the extension was not built with the purpose of being used, at least in part, for primary living accommodation purposes, either in respect of sleeping quarters and/or extended living accommodation as part and parcel of the original ancillary building. I therefore conclude, on the balance of probability, that the extension was not built for an incidental purpose and therefore it was not permitted development by virtue of Class E of the GPDO.

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Housing land supply and Background

21. There is no dispute between the parties that the local planning authority cannot demonstrate a deliverable five year supply of housing sites. Indeed, the Council has confirmed that it can demonstrate a 4.4 years supply. In this context, paragraph 11d of the National Planning Policy Framework (the Framework) is engaged and therefore planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The evidence before me indicates that planning permission was approved on 18 June 2020¹ for the retention of the existing outbuilding on the site. This is subject to a condition which states "*that the outbuilding hereby permitted be used for purposes incidental to the enjoyment of the dwellinghouse and not for any primary living accommodation*". Whilst the latter condition is currently the subject of a separate appeal², the existence of the planning permission is material planning consideration to which I afford significant weight in the overall planning balance.

Character and appearance

23. The appeal site falls within a predominantly residential area and where there is a mix of house types. On Park Road, most of the dwellings are two storey and in Burleigh Gardens the properties are mainly bungalows. The vast majority of properties in the area are positioned within reasonably sized plots giving the area a pleasing spacious character. To the north of the site is an access road serving a garage colony and what appears to be disused land to the rear of 6-12 Park Road.
24. The appeal building is positioned at the bottom of the rear garden of No 10 Park Road. The garden is longer than others in the area and consequently I do not consider that the resultant garden for No 10 Park Road would look out of place or cause harm to the character and appearance of the area. Indeed, in

¹ Planning permission Ref No 20/00457/HOU

² Appeal Ref No APP/Z3635/W/20/3259643

- terms of its resultant length/size, it would not be materially different to those at No's 6, 6a and 8 Park Road.
25. I accept that the proposed garden area for the appeal dwelling would be smaller than others in the area. However, owing to its position away from any significant public views, this in itself would not have the effect of causing any significant harm to the character and appearance of the area.
 26. I am satisfied that the garden area for the proposed one bedroom dwelling would be both proportionate in size and acceptable in living conditions terms. Indeed, this is not a matter that is disputed by the Council who say that the site plan shows a private amenity space to the front of the building with an area of 37 square metres that would meet the Council's minimum requirement for one bedroomed dwellings as outlined in the 'Design of Residential Extensions and New Residential Development' Supplementary Planning Document 2011 (Design SPD).
 27. In this case, the removal of specified permitted development rights from the appeal dwelling/garden would seek to ensure that a sense of spaciousness continues to exist to the rear of No 10 Park Road, thereby protecting the overall character and appearance of this immediate area. Subject to the imposition of such planning conditions, I am satisfied that the development would not appear cramped in its surrounding context.
 28. I acknowledge that the appeal dwelling would not look the same as those on Park Road. However, the building already exists and has the appearance of a small dwelling. Furthermore, planning permission has been sought and granted to retain the building in its current form. This appeal proposal seeks to make only very minor and acceptable external alterations to the approved building including additional windows in some of the elevations and the repositioning of roof lights in the existing roof. In terms of the scale, shape and footprint of the building, the appeal proposal would make no changes and hence it would continue to appear subordinate in scale to the host dwelling on the site. Whilst some changes are proposed internally, this in itself would harm the character and appearance of the area.
 29. In the context of the above, and subject to a condition removing permitted development rights, I do not consider that the proposal, including the pedestrian access to the side of No 10 Park Road, would represent a marked change to the character and appearance of the area. In this regard, I do not agree with the Council's view that the owing to the 'back land' location of the building unacceptable harm would be caused to the prevailing pattern of development in the locality. The Council refer to views of the development from adjoining properties, including those to the east, but the existing building can already be seen from these areas and it has planning permission.
 30. In the context of the recent planning permission for the appeal building, and subject to the imposition of planning conditions, I therefore conclude that the proposal would not cause harm to the character and appearance of the area. Therefore, it would accord with the design requirements of Chapter 12 of the Framework; policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document 2009 (CS) and the Design SPD.

Living conditions

31. I acknowledge that the proposed living/dining room windows on the north facing elevation and the kitchen window on the south facing elevation would be in close proximity to the boundaries of the site. In respect of the latter window, it would also face the rear outbuilding belonging to the neighbouring property. In these respects, the outlook for occupiers of the dwelling from these windows would not be ideal.
32. Notwithstanding the above, it is of note that the proposed galley kitchen would be part and parcel of the overall open plan circulation space relating to the living/dining room area where there is open outlook afforded by the window on the front elevation facing the proposed garden. In this regard, I am satisfied that whilst there would not be an open outlook from the galley kitchen window, this would not in itself be fatal in terms of the determination of this appeal. I would also add that there would be a reasonable level of natural light penetration into this part of the building.
33. In respect of the aforementioned living/dining room windows, these would be a secondary. There would be windows on the elevation facing the proposed garden area and these would ensure acceptable levels of light and outlook for occupants of the living/dining room.
34. I conclude that even accounting for an approximately six metre long proposed garden, and any controlled boundary treatment between the resultant host property and the appeal building, overall the occupiers of the dwelling would be able to enjoy a reasonable open outlook from the appeal building when positioned in most parts of the open plan and separate bedroom habitable room accommodation.
35. The Council has raised concern about the possibility of permitted development rights being exercised in respect of the neighbouring garage colony site. There is no evidence before me to indicate that the garage colony site has any such permitted development rights and, in any event, it has been necessary for me to reach a decision based on the circumstances that exist now and not on a possible hypothetical situation which has not been reasonably justified.
36. I therefore conclude that the proposal would not cause harm to the living conditions of the occupiers of the proposed dwelling in terms of outlook or indeed any other living conditions matters. Consequently, the proposal would accord with the amenity requirements of paragraph 127(f) of the Framework; policy EN1 of the CS and the Design SPD.

Other Considerations

37. The proposed development does not include any on-site car parking for the appeal dwelling. Whilst this does not form the basis of the Council's refusal notice, this issue is nonetheless raised in the Council's delegated officer report where it says that for a one bedroom dwelling there should be a 'minimum' of 1.25 car parking spaces as per the Council's Supplementary Planning Guidance 'Parking Standards' 2011 (Parking SPG). The Parking SPG supplements policy CC3 of the CS. Given the above, the proposal therefore conflicts with policy CC3 of the CS and the Parking PPG and this weighs against allowing the appeal. However, and given that paragraph 11d of the Framework is engaged, I afford

the conflict with such a policy and the Parking SPG limited weight in the overall planning balance.

38. In any event, it is of note that the site is in close proximity to good bus services into nearby town centres and to employment facilities. Furthermore, there is no evidence of any on-street car parking stress in the immediate locality. Indeed, and acknowledging that my site visit was only a snap-shot in time, I was able to see that there was some limited available on-street car parking space on Park Road and that this road was not within a controlled parking zone. Given these factors, I am satisfied that in this case the lack of any specific on-site car parking space for the one bedroom dwelling, coupled with the undisputed evidence about the availability of public transport provision at the nearby Feltham Hill Road, leads me to find that there are material considerations which outweigh the proposal's technical conflict with policy CC3 of the CS and the PPG.
39. In response to a letter of objection from the occupiers of a property in Burleigh Gardens about noise and disturbance, I would add that the proposed use would be compatible with the surrounding residential area. The proposed garden area would be away from properties on Burleigh Gardens and I do not therefore consider that occupation of the one bedroom dwelling would give rise to any significant noise or disturbance issues for any of the occupiers of neighbouring properties.
40. In the context that the local planning authority cannot demonstrate a deliverable five year supply of housing sites, there is no doubt that the proposal would make a positive contribution in terms of boosting the supply of houses in the area. In addition, there would be some associated economic benefits arising out of additional spending in the local area and supporting existing local facilities and services. These positive social and economic benefits weigh in favour of allowing the appeal.

Conditions

41. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
42. Planning permission is granted subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
43. In the interests of the character and appearance of the area, to ensure that an acceptably sized garden area is retained for the appeal dwelling, and to protect the living conditions of the occupiers of neighbouring residential properties, there is exceptional justification for the removal of permitted development rights. I acknowledge, as outlined by the appellant, that owing to the position and size of the appeal site and the dwelling, that some extensions or alterations on the site may not meet permitted development right requirements and hence planning permission would be required. However, that would not be the case for all development including the insertion of new window openings or the erection of a porch. I have therefore imposed the Council's suggested

amended condition to ensure that there is control in place relating to this matter.

44. In the interests of ensuring good design, it is necessary to impose a planning condition relating to details of the proposed bin storage/recycling facilities.
45. In the interests of the living conditions of the occupiers of the proposed dwelling, and the character and appearance of the area, it is necessary to impose a planning condition relating to the erection of all boundary treatments on the site. This would include the garden boundary between the appeal building and No 10 Park Road.
46. The Council has suggested that it would be necessary to impose contaminated land conditions. However, there is no reasonable evidence provided by the Council to indicate that there is a risk of contaminants on the site. Furthermore, the appellant comments that *the "land upon which the outbuilding is positioned is and always was residential garden land and has not been used for any industrial purposes or any other activities that are likely to lead to ground contamination"*. This has not been disputed by the Council and on the evidence that is before me, I do not therefore consider that the impositions of contaminated land conditions would be necessary or justified.

Planning balance and conclusion

47. Whilst there would be some technical conflict with Policy CC3 of the CS and the Council's associated Parking SPG, I afford this matter only limited weight in the overall planning balance given that paragraph 11d of the Framework is engaged and owing to the fact that the evidence is such that the one bedroom dwelling would unlikely result in any on-street car parking stress in the locality. Furthermore, the evidence is such that the appeal site is in an accessible location where there is access to public transport services and there is no evidence that the proposal would lead to any unacceptable impacts on highway safety. In this context, the proposal would accord with the accessibility and highway safety requirements of Chapter 9 of the Framework.
48. I conclude that whilst there would be some technical conflict with Policy CC3 of the CS and the Parking SPG, this would be significantly and demonstrably outweighed by the above identified benefits of the proposal, when assessed against the policies in the Framework taken as a whole. In this regard, the proposal would deliver a sustainable form of development. Furthermore, I have found that subject to the imposition of planning conditions, the proposal would not harm the character or appearance of the area, or indeed the living conditions of occupiers of the appeal dwelling or neighbouring dwellings. In these respects, the proposal would accord with the development plan for the area.

Overall Conclusions

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49. I conclude that the Council's refusal to grant a certificate of lawful use or development for the extension to the original L shaped outbuilding was well-founded and that in this regard the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the Act, as amended.

50. I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the lawful building operation and use of the original part of the L shaped outbuilding for an established use ancillary to the primary use of No 10 Park Road, Ashford, TW15 1EY as a dwellinghouse was not well-founded and that in this regard the appeal should succeed. I will therefore exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

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51. I conclude that the appeal should be allowed.

D Hartley

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 22 November 2019 the use and operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and cross-hatched in black on the plans attached to this certificate, were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The original L shaped building when built did not exceed the permitted development size requirements for buildings. It was originally built and used for an incidental purpose. It was then internally altered and used to provide primary living accommodation, thereby being used for a purpose incidental/ancillary to the dwellinghouse use of No 10 Park Road. Hence, its use for an incidental/ancillary purpose did not amount to a material change of use requiring planning permission as per Section 55(2) of the Act. The original L shaped building can therefore be lawfully used for incidental/ancillary residential purposes.

Signed

D Hartley
Inspector

Date 20th January 2021
Reference: APP/Z3635/X/20/3250404

First Schedule

The lawful building operation and use of the original part of the L shaped outbuilding (annotated with the word "original" on the submitted floor, roof and elevation plans) for an established use incidental/ancillary to the primary use of No 10 Park Road, Ashford, TW15 1EY as a dwelling house.

Second Schedule

Land at 10 Park Road, Ashford TW15 1EY

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



Plans

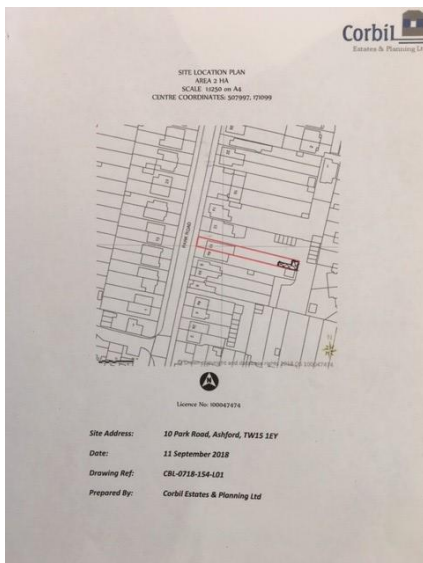
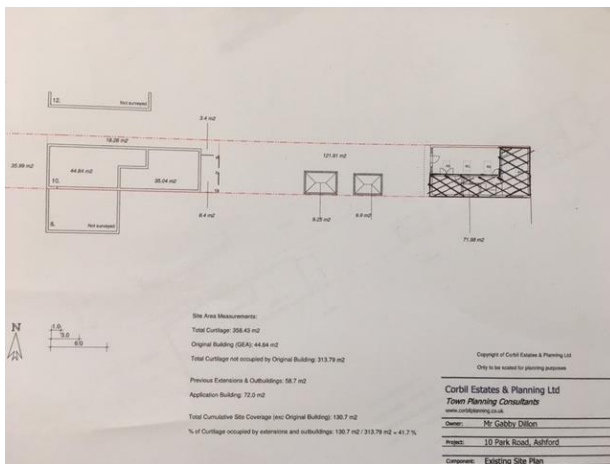
These are the plans referred to in the Lawful Development Certificate dated:

by D Hartley BA(Hons), MTP, MBA, MRTPI

Land at: 10 Park Road, Ashford TW15 1EY

Reference: APP/Z3635/X/20/3250404

Scale: Do not scale



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Schedule of Planning Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Red edged 1:1250 site location plan drawing No CBL-0718-154-L01; drawing No CBL-10PR-PS01 'Proposed Site Plan'; drawing No CBL-10PR-P106 'Proposed South Elevation'; drawing No CBL-10PR-P105 'Proposed North Elevation'; drawing No CBL-10PR-P104 'Proposed Rear Elevation'; drawing No CBL-10PR-P103 'Proposed Front Elevation' and drawing No CBL-10PR-P101 'Proposed Ground Floor Plan'.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no extensions shall be erected and no further openings created to the development hereby permitted without the prior planning permission of the Local Planning Authority.

4) Prior to the first occupation of the approved development, details of a scheme of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details and maintained as approved.

5) Facilities within the curtilage of the site for the storage of refuse and recycling materials shall be submitted to and approved by the Local Planning Authority. The agreed details shall be implemented prior to the first occupation of the development hereby approved and retained thereafter.