DELEGATED DECISION REPORT

SMD/2016/0630 **Valid 02/11/2017**	**24 BLYTHE MOUNT PARK** **BLYTHE BRIDGE**	**CERTIFICATE OF LAWFULNESS FOR CONVERSION OF GARAGE TO DINING AREA** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Material impact
- Appearance
- Whether lawful

DESCRIPTION OF SITE

The property is part of a late 20th C two storey terrace built in the 1960s. Each house has an integral garage with accommodation over. The layout alternates so that the garage elements are set back in pairs relative to the main front wall elevations of each pair of houses forming the terrace. The driveway between the rear edge of the pavement and the garage door is c.10.5m and would accommodate nose-to-tail parking of up to two cars.

PROPOSAL

That the utilisation of the garage space as living accommodation and the walling up of the exterior facing garage door, along with the insertion of a small window amounts to lawful development.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES / STATUTE

STATUTE

Section 55 of the Town and Country Planning Act (1990) sets out the meaning of development and for the purposes of the act section 2(a) specifies operations not taken to amount to development. These are: (a) (i) works to maintain, improve or alter, that affect only the interior or (ii) work that does not materially affect the external appearance and (d) 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.

Schedule 2 Part 1 Class A of the GPDO (2015) sets out the terms by which development amounting to the enlargement, improvement or other alteration of a dwelling house, undertaken within the curtilage of a dwelling house, is deemed to be permitted development.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS
There is no record in the planning history since the original permission. Permission reference 6098 for the development of six houses on plots 8 – 13 at Blythe Mount has been traced as appearing to be the original permission but only the decision notice is available without any of its accompanying plans and particulars.

CONSULTATIONS
Publicity
Site Notice expiry date: 14th December 2016
Neighbour consultation period ends:29th November 2016
Press Advert: N/A

Public Comments
None

Town / Parish Comments
Forsbrook Parish Council: "No comments / no objections"

OFFICER COMMENTS
Principle of Development
There is no change of use involved as the garage was originally used ancillary to and incidental to the enjoyment of the dwelling house entirely within the single planning unit of the dwelling house – C3 use. The use of the space as a dining room of the same dwelling house is clearly also within the same C3 use as a dwelling house.

Any internal work to bring about the change from garage to dining room is lawful without planning consent as this physical work is not regarded as development within the definition of the 1990 Act.

The external work to build up the garage door could be taken not to materially affect the external appearance of the building and/or to be permitted development being an alteration permitted by Schedule 2 Part 1 Class A of the GPDO (2015). In the latter case the material used must be similar to those of the exterior of the existing house. A white rendered panel is proposed and the existing house includes a white rendered panel between ground floor and first floor windows. The panel is to be recessed very slightly relative to the exterior facing brick work of the surrounding walls. The appearance is very similar to that of the adjacent neighbour's white garage door. A neatly proportioned window is included without material effect.

No changes are proposed to the rear elevation.

Exceptionally an original planning consent may have included a condition to prevent the use of a garage other than for the housing of a vehicle. The planning consent reference 6098 which so far as can be ascertained is that pertaining to this development included no such condition. It is noted that off road parking for two vehicle would remain available.

CONCLUSION / PLANNING BALANCE

The use class remains unchanged; interior physical works do not require planning consent; the change in external appearance could be judged not to amount to a material difference but can also be considered PD.

OFFICER RECOMMENDATION : That a lawful development certificate be granted in respect of both the usage and the exterior work.

Case Officer: Arne Swithenbank

Recommendation Date: 4th January 2017

X B.J. Haywood

Signed by: Haywood, Ben

On behalf of Staffordshire Moorlands District Council