DELEGATED DECISION REPORT

SMD/2017/0153 **Valid 29/03/2017**	**1 STOKESAY DRIVE** **CHEADLE**	**LAWFUL DEVELOPMENT CERTIFICATE FOR CONSTRUCTION OF A DOUBLE (PRIVATE) GARAGE** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Compliance with Schedule 2, Part 1, Class E of the Town & Country Planning General Permitted Development Order (GPDO) 2015

DESCRIPTION OF SITE

The site comprises a corner plot of land the south of Stokesay Drive and the west of Rockingham Way, Cheadle. The site contains a two storey detached dwelling with an area of amenity space to the side and rear. Stokesay Drive forms part of a relatively modern housing estate constructed under application reference SM97/059.

The decision notice for this application removes Permitted Development rights for plots 59 to 74. However the site plan for this application shows No.1 Stokesay Drive as Plot 5. Permitted Development rights are therefore intact.

The rear amenity area is accessed via a large private gateway to the east of the site, which has direct access onto Rockingham Way, constructed under application ref: SMD/205/0659.

PROPOSAL

The application is seeking confirmation that the proposed development of a single storey private double garage within the curtilage of the residential dwelling is lawful development.

The proposed garage is proposed to be located to the south east of the dwelling and accessed via the existing private gateway. The submitted plan (Drawing No. 16.17/011/01) shows the garage as having a footprint of 6.65 square metres and an overall height of 3.95m.

The plans show the garage as having a pitched roof with two velux lights in the side (south western) elevation. This elevation is also shown to comprise a small door and window. The side elevation of the garage is shown as being 1.0 metre from the side boundary wall.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2015/0659 New timber gates and posts with access to rear (Approved)

CONSULTATIONS

Publicity

Site Notice expiry date: 28th April 2017
Neighbour consultation period ends: 24th April 2017
Press Advert: N/A

Public Comments

Mr Smith (No.7 Rockingham Drive) – Objection

Concerns relating to the close proximity of the proposed garage to the boundary; the height of the proposed building which appears to be double the height of a normal domestic garage; potential detrimental impact to the character of the estate.

Town / Parish Comments

No Comments Received

OFFICER COMMENTS

Schedule 2, Part 1, Class E of the GPDO 2015 refers to buildings which are incidental to the enjoyment of a dwellinghouse. Permitted development rights are intact for this property and therefore compliance with this part of the legislation will constitute lawful development. An assessment of the proposal against the GPDO is undertaken below.

The use of the dwellinghouse was not granted under any change of use class within the GPDO and is therefore compliant with part (a).

The total area of ground covered by the proposed garage is 36 square metres. The total area of curtilage to the rear of the property measures 204 square metres. As such the footprint of the proposed development will not exceed 50% of the total area of curtilage and therefore is compliant with part (b).

The proposed garage would be situated to the rear of the dwellinghouse and not forward of a wall forming the principal elevation, in compliance with part (c).

The building would be a single storey in compliance with part (d). However the proposed development is located within 2 metres of the boundary of the curtilage and is shown to have a height of 3.95m. Part (e)(ii) states that a building cannot exceed 2.5m in the case of a building within 2m of the domestic curtilage. The proposed development therefore fails part (e) and as such the proposed development requires planning permission.

The height of the eaves is shown to be 2.25m and is compliant with part (f). The garage is not situated within the curtilage of a listed building and is compliant with part (g).

The proposal does not includes the construction of provision of a verandah, balcony, or raised platform; does not relate to a dwelling or microwave antenna; and is not a container, and therefore complies with parts (h), (i) and (j).

CONCLUSION / PLANNING BALANCE

In conclusion, due to the proposed garage having a height of over 2.5m and being located within 2m of the boundary wall, the application fails to meet the requirements of part (e) of Schedule 2, Part 1, Class E and is therefore not permitted development. The proposed development will require planning permission and therefore it is considered that the proposed development as submitted is unlawful development.

OFFICER RECOMMENDATION: Issue negative certificate

Case Officer: James Stannard
Recommendation Date: 15th May 2017

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council