DELEGATED DECISION REPORT

SMD/2017/0688 **Valid 13/10/2017**	**42 STATION STREET** **LEEK**	**THE ENLARGEMENT OF THE DWELLINGHOUSE CONSISTING OF AN ADDITION AND ALTERATION TO ITS ROOF.** **(CERTIFICATE OF LAWFULNESS - EXISTING)**

MAIN ISSUES

This application seeks to demonstrate that proposed development, as detailed in submitted plans, does not require planning permission because it is permitted by the provisions at Class B, Part 1, Schedule 2 of the GPDO 2015.

The application requires a legal determination assessing the details of the development against the provisions and criteria of the GPDO.

DESCRIPTION OF SITE

The site comprises an end of terrace dwellinghouse, ex local authority pre war property. Dwelling sits within rows of identical red brick hipped roof dwellings.

The end of terrace dwellinghouse, shown edged red on the attached plan numbered SS1, at 42 Station Street, Leek, Staffordshire ST13 8BP that has remained unaltered and without enlargement from when it was originally built.

PROPOSAL

The enlargement of 'the Dwellinghouse' consisting of an addition and alteration to its roof that would be carried out in accordance with the submitted plan numbered 20a0617/2/3'A'.

Essentially a hip to gable extension with some retention of a hipped roof surround at eaves level.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

Planning history not relevant to this determination.

The Council has previously refused to grant planning permission for an identical development proposal to the one detailed with this app because of concerns over design. The applicant now seeks to demonstrate that actually the development did not need planning permission because it was already permitted.

CONSULTATIONS

Publicity

Neighbour's notified in writing

Public Comments

None Received

Town / Parish Comments

Town Council – No Objection

OFFICER COMMENTS

1. 'The Dwellinghouse' was built prior to the first planning Act of 1947. It was not granted a planning permission that was subject to a condition prohibiting any development that would normally be permitted by the terms of the General Permitted Development Order and its use as a dwellinghouse was not granted only by virtue of the Classes M, N, P or Q of Part 3, Schedule 2 of the General Permitted Development Order 2015 (changes of use). As such the full provisions of Part 1 at Schedule 2 of the General Permitted Development Order 2015 are available and unaffected for the purposes of carrying out 'the Development'.

2. 'The Dwellinghouse' is not in a Conservation Area. As a result of 'the Development', 'the Dwellinghouse' would be enlarged with an addition and alteration to its roof that would not: exceed the height of the highest part of the existing roof; extend beyond the plane of the existing roof slope which forms the principal elevation of 'the Dwellinghouse' and fronts a highway; exceed the cubic content of the original roof space by more than 40 cubic metres; include the construction or provision of a verandah, balcony or raised platform; or the installation, alteration or replacement of a chimney, flue or soil and vent pipe. As such 'the Development' would be permitted by Class B, Part 1,Schedule 2 of the General Permitted Development Order 2015.

3. In carrying out 'the Development' only materials of a similar appearance to those used in the construction of the exterior of 'the Dwellinghouse' would be used in the exterior work; the eaves of the original roof would be maintained or reinstated; the edge of the enlargement closest to the eaves of the original roof would be not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves. No part of 'the Development' would extend beyond the outside face of any external wall of 'the Dwellinghouse'; and there would be no windows inserted on a wall or roof slope forming a side elevation of 'the Dwellinghouse'. As such 'the Development' would be carried out in compliance with the conditions at B.2 of it being permitted by Class B, Part 1, Schedule 2 of the General Permitted Development Order 2015.

CONCLUSION / PLANNING BALANCE

The proposed development is permitted by virtue of Schedule 2, Part 1, Class B of the GPDO 2015.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst
Recommendation Date: 08/12/2017

X

Signed by: Jane Colley

On behalf of Staffordshire Moorlands District Council