DELEGATED DECISION REPORT

SMD/2017/0692 **Valid 01/11/2017**	**CLEWLOW BANK HOUSE** **HILL TOP** **BROWN EDGE**	**ADDITION TO REAR EXTENSION.** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

Would the proposed enlargements to the rear of the dwelling be permitted by Class A Part 1 Schedule 2 of the GPDO 2015.

DESCRIPTION OF SITE

A small traditional Moorlands cottage double fronted with relatively narrow gable width. Detached property dating from the 19th Century with some small attached outbuilding apparent on historic maps.

PROPOSAL

It transpired that the drawings originally submitted with this application related to a scheme that had previously been granted planning permission i.e. they were the wrong drawings and submitted by mistake.

The agent then submitted a different drawing showing an enlargement proposal on the 7th December. However, when he was advised that the proposal would not be permitted because it showed a two storey extension that extended more than 3m from the dwellings rear elevation he submitted a further amended drawing on the 8th Dec.

The drawing no. 6699.06 submitted on the 8th Dec shows a two storey enlargement where the first floor element would extend 3m from rear elevation but the ground floor part would extend 4m from rear elevation. A single storey part of the enlargement would be built right up to the curtilage boundary to the side of the two storey part. An upper storey window is proposed to the side elevation of the enlargement, there are no notes detailing it as obscured glazed or non opening. The proposed roof for the first storey part of the enlargement would join up to the gabled roof of the original dwelling with a shallow hip arrangement that must at its top have a concealed flat roof arrangement.

CONSULTATIONS

Publicity

Neighbour consultation period ends: 4th December 2017

Public Comments

No Comments received

Town / Parish Comments

No Objections

OFFICER COMMENTS

The applicant believes that by changing the proposal so that only the ground floor part would extend beyond the rear elevation by 4 metres, while the first storey would extend just 3 metres, the proposal might be permitted and it would not fail on point A.1(h). However, he is mistaken, the strictly written and specific circumstances at A.1(h) where development would not be permitted, do not make that distinction between ground floor and first floor parts. It simply says that the development is not permitted where the enlargement has more than a single storey, which it would have, and it extends beyond the rear elevation by more than 3 metres, the enlargement as a whole would as a matter of fact extend beyond the rear elevation by more than 3metres, albeit inconsequentially it would only be the ground floor part that extends out to 4metres.

Moreover, the amendment in 2017 that introduced (ja) confirms this to be the intended effect, by dealing with arrangements where there are accumalitive extensions making it clear that where there might be an exisitng ground floor extension that extends 4metres it would not be permitted to then build a first floor above even if that only extended 3 metres.

Similarly the applicant argues that by making the part of the enlargement that comes within 2metre of the boundary single storey, the development would not fail on point A.1(i). Again he is mistaken, it simply says that where the enlargement comes within 2 metres of a boundary, which it would, it would not be permitted if the enlargement has an eaves height exceeding 3 metres, the enlargement would include a two storey part which of course has an eaves height above 3 metres, albeit inconsequentially the two storey part would not be within 2m of the boundary.

In addition the proposals would not comply with the conditions at A.3 because the enlarged part of 'the Dwellinghouse' would, in both proposals, have upper-floor windows located in a wall forming a side elevation of the dwellinghouse that would not be obscure-glazed, and non-opening; and, in both proposals, the enlarged part of 'the Dwellinghouse' would have more than a single storey and a roof pitch that would not be the same as the roof pitch of the original roof on 'the Dwellinghouse'.

CONCLUSION / PLANNING BALANCE

A refusal notice should be issued confirming that neither of the proposals would be permitted or lawful.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst
Recommendation Date: 14/12/2017

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council