DELEGATED DECISION REPORT

HNT/2018/0011 **Valid 05/07/2018**	**4 HIGHFIELD PLACE** **BIDDULPH**	**SINGLE STOREY REAR EXTENSION TO FORM GARAGE - EXTENDING BEYOND THE REAR WALL OF DWELLING BY 6M, MAXIMUM HEIGHT MEASURED EXTERNALLY FROM NATURAL GROUND LEVEL 3.6M AND HEIGHT AT THE EVES 2.5M MEASURED EXTERNALLY FROM THE NATURAL GROUND LEVEL** **(HOUSEHOLDER NOTIFICATION APPLICATION)**

MAIN ISSUES

- Which is the rear elevation?
- Compliance with GPDO (2015)

DESCRIPTION OF SITE

The property is one of a row of six linked semis which architecturally has its front elevation facing SE into the turning head of a cul-de-sac known as Highfield Place. There are gardens to both the SE and NW. The gardens to the NW face on to Highfield Close. Each of the six semis has a vehicular access driveway off Highfield Close.

From the 2009 street view five of the six dwellings have garden sheds and a green house in the NW gardens and 1 Highfield Place additionally has a conservatory extension to the NW elevation. There is no record of a planning application for this and ordinarily it may be expected that it would have been PD – likewise the garden sheds. This would be subject to the NW being treated as the rear elevation.

The semis are linked by single storey side elements recessed by some 3m from the SE elevation and by c.400mm from the NW elevation. They have a door into both the SE and NW elevations. Each house also has an 'obvious' front door to the SE in the two storey elevation. In the June 2009 street view it is noted that a small garden shed is located forward SE of the side element to the neighbouring No.3 Highfield Place.

PROPOSAL
As described save to note that the proposal is NW of the single storey side element and overlaps marginally with the two storey elevation. Although described as projecting no more than 6m from the "rear elevation" by reference to the submitted drawings it is clear that this only applies as measured from the two storey elevation. As the proposal would extend from the recessed single storey element its overall length would in fact be 6.4metres.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

GPDO (2015) Schedule 2 Part 1 Class A

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS
None on current record.

CONSULTATIONS

Publicity
Site Notice expiry date: N/A
Neighbour consultation period ends: 27th July 2018
Press Advert: N/A

Public Comments
None

Town / Parish Comments
Councillor Nicosia wondered whether there would be neighbour issues due to the location of this extension. The accommodation had lost their previous garage space, which had been situated nearby. Councillor Salt felt that this development was fine, subject to no valid neighbour concerns. Councillor Harper queried whether drainage had been a consideration. Councillor Nicosia noted that there were no issues apparent.

Approved subject to no valid neighbour concerns, clarification of the drainage and consideration of the 45 degree splay.

OFFICER COMMENTS

Principle of Development
Several criteria set out at GPDO (2015) Schedule 2 Part 1 Class A define whether this proposal is permitted. The extension must be in relation to a "rear wall". With this property there is scope for some doubt as to which is the rear wall. Rear wall is not defined but is logically that opposite the principal elevation.

In the Government's published guidance: 'Permitted development rights for householders Technical Guidance' "Principal elevation" is defined as follows "– in most cases the principal elevation will be that part of the house which fronts (directly

or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house. There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation."

Several factors are found to confirm the SE elevation as the principal elevation – architecturally it has the main front door and a bay window and the property draws its post code from the Highfield Close cul-de-sac to the SE. The NW elevations is more plain architecturally and the gardens of the properties generally appear to be enjoyed as rear gardens in the way they are used.

The proposal would extend off the rear of the recessed side elevation. This therefore means it is also in part a side extension. One of the test criteria is that it must not therefore be greater than half of the width of the original dwelling. In this case the dwelling is some 9.5m in width so the extension at 3m is comfortably within the limit.

Under the category of PD relied on in this proposal the length of the extension rear of any rear wall to which it is attached must not exceed 6m. In this case the extension is some c.6.4m and for this reason fails to meet the PD criterion.

Neighbour Responses
If any neighbour raises objection the LPA must consider the impacts of the proposal on the amenities of all neighbouring properties. No objections have been received and any implications for neighbour amenity have not been considered.

CONCLUSION / PLANNING BALANCE
Condition A.4 (3) (a) provides for the LPA to refuse an application where in the opinion of the authority the development does not comply with the governing criteria and conditions. The wording is "may refuse" which would appear to leave scope for approval to be granted none-the-less but this would be misleading as in order to be PD in the first place the criteria would need to be met. The correct response is considered therefore to refuse.

OFFICER RECOMMENDATION : refuse

Case Officer: Arne Swithenbank
Recommendation Date: 9th August 2018

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council