DELEGATED DECISION REPORT

SMD/2018/0397 **Valid 19/06/2018**	**GLENELG STANLEY ROAD STOCKTON BROOK**	**PROPOSED REBUILDING AND EXTENSION TO THE EXISTING SINGLE STOREY UTILITY ROOM** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Legal determination as to whether the proposed enlargement to the side elevation of the dwellinghouse as shown on a revised plan submitted on the 18th Sep 2018 would have been permitted by the GPDO 2015 on the date of the application.

DESCRIPTION OF SITE

Pre- war detached dwelling in sizeable plot within a row of other similar dwellings.

THE APPLICATION

A certificate of lawfulness is sought for a proposed enlargement to the dwellinghouse consisting of a ground floor, single storey side extension.

The proposed development is shown and detailed on a revised plan that was submitted on the 18th Sep 2018 after the date of the application. The applicant was allowed the opportunity to have the proposal redrawn so that its maximum height sat within the limitation. It is possible to determine whether the proposal on this revised plan would have been permitted on the date of the application.

The enlargement consists of a single storey extension to the side wall of the original dwelling with a maximum width of 2.84m, a maximum height of 3.83m and an eaves height of 3m. The enlargement is to be built from materials that are of a similar appearance to those used in the construction of the exterior of 'the Dwellinghouse'.

ANALYSES

Class A Part 1 Schedule 2 permits development consisting of the enlargement of a dwellinghouse subject to certain restrictions and limitations. The proposal has been considered against each of these limitations in turn and the conclusions are set out in turn below:

1. 'The Dwellinghouse' was built before the 'appointed day' in 1948 and the enactment of the first Town and Country Planning Act. It was not therefore, built with

the benefit of a planning permission that was granted subject to a condition prohibiting any development normally 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 of Part 3, Schedule 2 of the General Permitted Development Order 2015 (changes of use).

2. As a result of 'the Development', the total area of ground covered by buildings within the curtilage of 'the Dwellinghouse' would not exceed 50% of the total area of the curtilage (excluding the ground area of 'the Dwellinghouse'). 'The Development' would not be of a height that exceeds the height of the highest part of the roof of 'the Dwellinghouse'; have an eaves height that would exceed the height of the eaves of 'the Dwellinghouse' or 3 metres; extend beyond a wall which forms the principal elevation of 'the Dwellinghouse'; extendbeyond a wall which forms a side elevation of 'the Dwellinghouse' with a width greater than half the width of 'the Dwellinghouse'; exceed 4 metres in height; consist of or include the construction or provision of a verandah, balcony or raised platform; or consist of or include the installation, alteration or replacement of a microwave antenna, a chimney, flue or soil and vent pipe. As such 'the Development' would be permitted by Class A, Part 1, Schedule 2 of the General Permitted Development Order 2015.

CONCLUSION

The proposed development shown on the revised plan that was submitted on the 18th Sep 2018 would have been permitted by Class A Part 1 Schedule 2 of the GPDO 2015 on the date of the application and a certificate of lawfulness can be granted accordingly.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst
Recommendation Date: 26/09/2018

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council