Rob Duncan
Planning
Consultancy

PLANNING STATEMENT

LIMERICK FARM, DEVILS LANE
LONGSDON

FEBRUARY 2019

Site Address:
Limerick Farm, Devils Lane, Longsdon, Staffordshire, ST9 9QP

Applicant:
Mr. & Mrs. D. and K. Edge

Proposal:
Lawful Development Certificate for proposed development:
Erection of single storey side / rear extension and alterations to windows

Planning Statement:
Date Issued: 27th February 2019
Job Reference: RDP/2019/030

Report Prepared By:
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1. Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. & Mrs. D. and K. Edge to prepare a Lawful Development Certificate submission pertaining to the proposed erection of a single storey side / rear extension and alterations to existing window positions at Limerick Farm, Devil's Lane, Longsdon.

1.2 This Planning Statement assesses the proposed development against the relevant criteria of Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) in order to demonstrate that the proposed development would be lawful, and not require the submission of a planning application.

1.3 By way of background planning permission has recently been sought for the erection of a single storey first floor extension above the existing ground floor shower room (SMD/2018/0301). That scheme was refused on the grounds that the proposal constituted inappropriate development within the green belt. An appeal was subsequently lodged against that decision, which was dismissed. In light of this decision the applicant has decided to exercise their rights under permitted development to secure an alternative accommodation arrangement.

2 Statement of Case

2.1 The provisions of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) relate to 'Development within the curtilage of a dwellinghouse', with Class A confirming that the *enlargement, improvement or other alteration of a*

dwellinghouse is permitted development subject to adherence to various criteria.

2.2 Part 1, Class A, section A.1 stipulates that development will not be permitted by Class A if the proposal conflicts with any of the following criteria:

(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, or Q of Part 3 of this Schedule (changes of use);

2.3 The existing dwellinghouse is long established as a dwelling and did not become a dwelling by virtue of a change of use under the aforementioned permitted development provisions. The proposed development is therefore considered to meet this criterion.

(b) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of curtilage (excluding the ground area of the original dwellinghouse).

2.4 The total domestic curtilage of the existing property is extensive (1,473m^2), and the total ground area covered by buildings (excluding the original dwellinghouse) would not represent anywhere near 50% of this total area of curtilage. The proposed development is therefore considered to meet this criterion.

(c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

2.5 The height of the proposed extension will not exceed the highest part of the roof of the existing dwellinghouse. The proposed development is therefore considered to meet this criterion.

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

2.6 The eaves height of the proposed extension will not exceed the eaves height of the existing dwellinghouse. The proposed development is therefore considered to meet this criterion.

(e) the enlarged part of the dwellinghouse would extend beyond a wall which –

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

2.7 The principal elevation of the existing dwelling faces southwards, as it is this elevation which encompasses its main architectural features and front door. The proposed extension will not project beyond the principal elevation of the original dwellinghouse, and thus meets the provisions of criterion (e)(i) above.

2.8 In respect of criterion (e)(ii), it is noted that the proposed extension will project beyond the original side elevations of the dwellinghouse, but the building itself is not considered to front the highway. The Permitted Development Technical Guidance advises that the extent to which an elevation of a house fronts a highway will depend on factors such as:

(ii) the distance between the house and the highway - in cases where that ***distance is substantial****, it is* ***unlikely that a building can be said to front the highwa****y. The same may be true where there is a* ***significant intervening area of land in different ownership or use*** *between the boundary of the curtilage of the house concerned and the highway. (my emphasis)*

2.9 In this particular case the distance between the side elevation of the original dwelling and the highway is both substantial (62 metres) *and* has a significant area of intervening agricultural land between them. The building cannot therefore be said to 'front' a highway. Consequently the proposal is considered to accord with criterion (e)(ii).

(f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and –

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height

2.10 The proposed single storey extension would not extend beyond the rear wall of the original dwellinghouse by more than 4 metres (3.3m), nor will it exceed 4 metres in height (3.62m). The proposed development is therefore considered to meet this criterion.

(g) Until 20th May 2019 for a dwellinghouse not on Article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –

(i) Extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

2.11 The proposed extensions do not seek to utilise the temporary provisions set out under section (g) but will comply with them in any event. The proposed development is therefore considered to meet this criterion.

(h) The enlarged part of the dwellinghouse would have more than a single storey and –

(i) Extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) Be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

2.12 The proposed development will not have more than one storey and therefore does not derive any conflict with the provisions of criterion (h).

(i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.

2.13 The proposed extension will be located more than 2m from the northern boundary of the curtilage of the dwellinghouse (5.2m), but its eaves height will not exceed 3m in height in any event (1.59m). The proposed development is therefore considered to meet this criterion.

(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation to the original dwellinghouse, and would –

(i) Exceed 4 metres in height

(ii) Have more than a single storey, or

(iii) Have a width greater than half the width of the original dwellinghouse

2.14 The proposed extension will not exceed 4 metres in height (3.62m), and will not have more than one storey. It therefore meets the provisions of criteria (j)(i) and (ii).

2.15 In respect of criterion (j)(iii), the proposed extension will extend off two original side elevations; the first being the most easterly elevation of the dwellinghouse, the second being the eastern elevation of the rear outrigger. A review of historic Ordnance Survey mapping shows that the rear outrigger was in situ prior to 1948 (it appears on the 1925 edition) and thus it forms part of the 'original' dwellinghouse. The proposed extension does not exceed half the width of the original dwellinghouse when off either of these side elevations and therefore meets the requirements of criterion (j)(iii).

(k) It would consist of or include –

(i) The construction or provision of a verandah, balcony or raised platform;

(ii) The installation, alteration or replacement of a microwave antenna;

(iii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) An alteration to any part of the roof of the dwellinghouse;

2.16 The proposed extensions will not conflict with any of the above provisions and as such the proposed development is considered to meet this criterion.

2.17 The proposed development furthermore proposes to utilise materials of construction that match the colour and texture of those of the original dwellinghouse (Condition A.3 (a) refers), and does not have any side facing upper floor windows (Condition A.3 (b) refers.

2.18 The proposed alterations to the original rear / north elevation of the dwelling to block up a ground floor window, insert a new doorway and window at ground floor, and reposition a first floor window, do not result in any increase the volume of the dwelling, not any conflict with the criterion laid down under Part 1, Class A of the Order, and consequently they are considered to amount to permitted development as an *'alteration of a dwellinghouse'*.

3 Conclusion

3.1 Having regard to the aforementioned commentary I conclude that the proposed development will fully accord with the provisions of Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), and as such would be lawful and not require the submission of a planning application.

3.2 The Local Authority is therefore respectfully requested to issue a Lawful Development Certificate to confirm the lawfulness of this proposed development.