DELEGATED DECISION REPORT

HNT/2019/0004 **Valid 02/04/2019**	**RED RIDGE CLEWLOWS BANK** **STOCKTON BROOK**	**SINGLE STOREY REAR EXTENSION TO EXISTING DWELLING (ORAGNGERY) EXTENDING BEYOND THE REAR WALL OF DWELLING MEASURED EXTERNALLY 3.34 M, MAXIMUM HEIGHT MEASURED FROM NATURAL GROUND LEVEL 3.65 M AND MAXIMUM HEIGHT AT EVES MEASURED FROM NATURAL GROUND LEVEL 3.65 M** **(HOUSEHOLDER NOTIFICATION APPLICATION)**

KEY ISSUE

The key issue is to assess whether or not the proposal accords with the limitations, restrictions and conditions of Schedule 2, Part 1, Class A (g) of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

DESCRIPTION OF SITE/CONTEXT

The property to which the application relates is a detached bungalow constructed of rendered elevations under a tiled roof with gardens to front and rear. The property is set back from the road and at a higher level to the road. The property has benefitted from previous approved planning applications (and there have been numerous applications on the site refused). The site is located on the eastern side of Clewlows Bank, Stockton Brook, towards the southern end of a short ribbon of development.

PROPOSAL

The applicant has submitted an application to establish whether or not prior approval is required from the Local Planning Authority for the construction of a ‘larger home extension’ under the above regulations. The application form states that the proposed extension will measure 3.34m deep with a max height of 3.65m and eaves height of 3.65m. The extension will extend across the entire width at the rear of the dwelling.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local and national planning policies are not relevant to the appraisal/determination of this submission.

The submission is assessed against the relevant limitations, restrictions and conditions as outlined in The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Interpretation of the relevant limitations, restrictions and conditions are guided by information outlined in 'Permitted Development for Householders – Technical Guidance' April 2017.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2018/0748 Rear extension to existing dwelling. R, 28.01.2019
SMD/2018/0600 – Raise existing roof ridge height. Approved, 30.10.2018
SMD/2018/0072 – Proposed raising of existing ridge and single storey rear extension (Re-submission of SMD/2017/0523). Refused, 21.05.2018
SMD/2017/0523 - Proposed rear extension, raising ridge to accommodate rooms in roof space. Refused, 18.10.2017
SMD/2006/0764 – Rear extension and conservatory. Approved, 01.09.2006. It is noted that the rear extension has been built but the conservatory has not been implemented.

CONSULTATIONS

Publicity

Site Notice expiry date: N/A
Neighbour consultation period ends: 23/04/2019
Press Advert: N/A

Public Comments

No comments or objections have been received from neighbours.

Bagnall Parish Council

No objections.

OFICER COMMENTS

Principle of Development

As noted above, under Schedule 2, Part 1, Class A (g) of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, until 30th May 2019 it is permissible for a dwellinghouse (not on article 2(3) land nor on a site of special scientific interest), to be enlarged with a single storey extension which does not:

(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.

The proposal would also have to satisfy the relevant conditions as outlined in 'A.3' and 'A.4' of Schedule 2, Part 1, Class A, i.e. in this case apart from procedural matters relating to the application submission and neighbours being notified, the extension needs to constructed from materials of a similar appearance to those used on the original dwelling.

Works must also be **completed** by 30 May 2019 and the local planning authority must be notified of their completion.

In addition, in the case of a proposed extension being joined to an existing extension (which is the case in this instance) the limitations and restrictions outlined in '(ja)' apply, which state that:

any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j).

The limits outlined in '(e)' to '(j)' are as follows (Officer's comments in **bold**):

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—
(i) forms the principal elevation of the original dwellinghouse; **which it doesn't**
or
(ii) fronts a highway and forms a side elevation of the original dwellinghouse; **which it doesn't**
(f) subject to paragraph (g) **NB. 'f' doesn't apply as 'g' does,***, 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;
(g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest **(which it isn't)***, the enlarged part of the dwellinghouse would have a single storey* ***(*****NB. See below. The total enlarged area would include the existing extension which has a floor in the roof space)** *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, **which it wouldn't** *or*
(ii) exceed 4 metres in height; **which the existing extension does**
(h) the enlarged part of the dwellinghouse would have more than a single storey **(NB. The property is a bungalow which has been extended and has permission to further extend. The existing extension on the rear has a height of 5.4m (which is higher than 'single-storey' extensions permissible under the GPDO - which is 4m - AND as can be seen on a) on the plans approved under SMD/2018/0600, there is a 'seating area' within the roof space of the extension,**

thereby creating a first-floor; hence, it is considered that the existing rear extension is "more than a single-storey") *and—*
(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres **(which it would in total, i.e. 6.48m)***, or*
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse; **(which it wouldn't be)**
(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse **(which it is, from both side boundaries – at 1.2m and 1m respectively)***, and the height of the eaves of the enlarged part would exceed 3 metres;* **(which it does, at 3.65m)**
*(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse (***which it doesn't)** *, 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;

CONCLUSION/RECOMMNEDATION

Bearing in mind the details outlined above, it is concluded that the proposed larger household extension does not satisfy the limitations and restrictions required. Given that the proposal is an extension to an existing extension para '(ja)' applies, which in turn requires the limitations and restrictions outlined in '(e)' to '(j)' to be complied with. It is concluded that the existing rear extension is "more than single storey" and the resultant height of the extension would be 5.4m (when joined to the existing), which is higher than the max. of 4m; the proposed extension is also within 2m of the boundary at both sides of the property and the eaves height exceeds 3m (at 3.65m). Consequently the proposed development is considered not to be permitted development under Schedule 2, Part 1, Class A (g) of The Town and Country Planning (General Permitted Development)(England) Order 2015. Therefore prior approval should not be granted.

OFFICER RECOMMENDATION: PRIOR APPROVAL SHOULD NOT BE GRANTED

Case Officer: John Williamson
Recommendation Date: 04/05/2019

X 

Signed by: Jane.Curley

On behalf of Staffordshire Moorlands District Council