DELEGATED DECISION REPORT

SMD/2019/0457 **Valid 31/07/2019**	**41 MILLBROOK GARDENS** **BLYTHE BRIDGE**	**CERTIFICATE OF LAWFULLNESS FOR EXISTING SINGLE STOREY REAR EXTENSION** **(CERTIFICATE OF LAWFULNESS - EXISTING)**

MAIN ISSUES

- Consider whether or not the existing single-storey rear extension has been erected lawfully in accordance with domestic permitted development rights.

DESCRIPTION OF SITE

The application site is number 41 Millbrook Gardens, Blythe Bridge, a two-storey, red/brown brick, detached dwelling occupying an end of cul-de-sac location within a residential area. The dwelling sits within a broadly rectangular shaped domestic curtilage and benefits from off-road parking (including attached garage) and external amenity space which is mainly to the rear (garden and patio). Land levels within the site are generally flat and boundaries consist of timber panel fencing. There are domestic properties to the north and south. To the rear is a wooded area (Tree Preservation Order Number 6 – 1966), the wooded area forms part of the Green Belt. The application site is not located within the Green Belt; it lies within the Blythe Bridge and Forsbrook Village Development Boundary. The site is not within a Conservation Area, is not (and does not contain) a Listed Building.

PROPOSAL

The application is for a certificate of existing lawful development for the erection of a ground floor kitchen/dining room extension at the rear of the house. The rear extension has a sloping roof, spans approximately ¾ of the rear elevation of the house, contains roof lights and is built from brick and tile to match those used for the construction of the existing house. Other openings include a horizontally proportioned kitchen window and outwards opening French doors.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The application is for a certificate of lawfulness. Whilst the following policies are borne in mind they cannot be applied in this case. Determination of this application relates solely to whether the extension was built within the allowances of the General Permitted Development Order (2015) (as amended), Schedule 2, Part 1, Class A.

Core Strategy Development Plan Document (Adopted 2014)

SS1	Development Principles
SS1a	Presumption in Favour of Sustainable Development
SS6a	Larger Villages Area Strategy
SD4	Pollution and Flood Risk
DC1	Design Considerations
T1	Development and Sustainable Transport

Supplementary Planning Guidance

1. Design Principles for Development in the Staffordshire Moorlands: New Dwellings and Extensions to Dwellings.
2. Space About Dwellings.

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

Paragraph 48 of the newly adopted NPPF states that:

"decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Local Plan process

The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was "sound". Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public is ongoing in order to determine whether the Local Plan is sound and legally compliant. Hearing sessions were conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications is to be determined and will be subject to consultation in due course. The Inspector will then be in position to write his final report. Subject to the findings of the appointed Inspector, the Local Plan can then be adopted by the Council. This will be towards the end of 2019 at the earliest. Upon adoption, the Local Plan will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination

- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The Officer Comments section of this report identifies the level of outstanding objections to each policy and recommends the amount of weight to be given to them at this stage in the process

- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

<u>Emerging Policies</u>

The following policies are considered to be relevant to this application:

SS1	Development Principles (Moderate)
SS1a	Presumption in Favour of Sustainable Development (Significant)
SS8	Large Villages Area Strategy (Limited)
SD4	Pollution and Water Quality (Significant)
SD5	Flood Risk (Significant)
DC1	Design Considerations (Moderate)
T1	Development and Sustainable Transport (Moderate)

National Planning Policy Framework

Including sections;

2:	Achieving sustainable development.
12:	Achieving well-designed places.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

04/01070/FUL_MJ	Erection of 10 dwellings. Approved.
04/01535/FUL_MJ	Erection of 10 dwellings. Withdrawn.
10/00003/REM_1	Discharge of Section 106 obligation relating to local occupancy. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 29/08/2019.
Neighbour consultation period ends: 21/08/2019.

Public Comments: No representations received.

Forsbrook Parish Council: No representations received.

Severn Trent Water: No objections to the application but state that there may be a public sewer within the application site.

OFFICER COMMENTS

The application is for a single-storey extension to the rear of number 41 Millbrook Gardens Blythe Bridge. The application is accompanied by detailed drawings showing that the extension;

- Projects 2.980m from the rear wall of the house;
- Is 6.850m wide;
- Has an eaves height of 2.495m and;
- Overall height of 3.546m.

The General Permitted Development Order (2015) (as amended), Schedule 2, Part 1, Class A is the part of the GPDO to be considered in respect of a single-storey, rear extension. The application dwelling is not a Listed Building and the site does not form part of any Conservation Area.

The existing rear extension complies with the Class A allowances for the following reasons;

A) Dwelling is not formed as a result of a Part 3, Class M, N, P or Q application approval;
B) Extension does not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);
C) Extension does not exceed the height of the existing house;
D) Extension eaves height does not exceed the eaves height of the existing house;

E) The extension does not extend beyond a principal elevation and does not front a highway and form a side extension;
F) Does not extend more than 4.0m to the rear of the detached dwelling house and does not exceed 4.0m in height;
G) Not applicable as this is criteria for the Larger homes notification application procedure;
H) Does not relate to an extension greater than single storey in height;
I) Eaves height does not exceed 3.0m;
J) Does not relate to a side extension;
K) Does not include provision of verandah, balcony or raised platform; relate to microwave antennas, chimneys, flue, soil, vent pipe or any alteration to the roof of the house;

Class A Conditions

A) Extension is constructed using matching materials (brickwork, tiles and window frames/design);
B) Not relevant as there are no upper floor windows;
C) Not relevant as the extension is single-storey only.

CONCLUSION / PLANNING BALANCE

For the reasons outlined above it is recommended that the application is approved. Although not relevant to the determination of the certificate application, it is noted that the extension is of a good design and sits comfortably against the existing house. The developer has chosen a good range of matching/similar appearance materials in respect of the brick, tile and windows/doors. The addition does not result in any neighbour amenity harm and it is noted that no neighbours have objected. Severn Trent Water have responded to the application by stating that there may be a public sewer located within the application site. It is recognised that the extension is already in situ however it is recommended that an informative note is added to the decision notice to make the applicant aware of potential conflicts/matters which may need to be resolved with Severn Trent.

OFFICER RECOMMENDATION : Approve.

Case Officer: Lisa Jackson
Recommendation Date: 03/09/2019.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council