DELEGATED DECISION REPORT

SMD/2019/0474 **Valid 07/08/2019**	**ROWNALL RIDGE** **ROWNALL ROAD** **WETLEY ROCKS**	**PROPOSED ERECTION OF ANCILLARY SINGLE STOREY DETACHED OUTBUILDING FORMING A TRIPLE BAY GARAGE/GARDEN STORE IN CONNECTION WITH EXISTING RESIDENTIAL USE OF LAND AND BUILDINGS** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Whether the proposed development complies with the provisions of Schedule 2, Part 1, Class E of the Town & Country Planning (General Permitted Development) (England) Order 2015

DESCRIPTION OF SITE

The application comprises a large plot of land east of Rownall Road which contains Rownall Ridge; a detached dormer bungalow built in the early 1980's following the granting of planning permission in 1979.

The bungalow has an L shaped form with a principal elevation facing southwestwards facing an area of hard standing utilised for parking provision which forms part of the private driveway that extends eastwards from the public highway. The curtilage for this property is large and consists of an expansive garden area to the east of the dwelling together with an area of garden and small ancillary outbuildings to the west.

Permitted Development rights under Schedule 2, Part 1 are intact for this property.

PROPOSAL

The application seeks a Certificate of Lawfulness for proposed development which comprises a triple garage, spanning a width of approximately 15m and a depth of 8m, to be sited to the west of the bungalow behind the front building line.

OFFICER COMMENTS

Schedule 2, Part 1, Class E relates to buildings incidental to the enjoyment of a dwellinghouse. It is judged that the proposed garage is situated within the associated curtilage of the existing dwelling. The proposed ancillary garage therefore comprises

permitted development under this legislation providing it does not conflict with any of the requirements set out under Paragraphs E.1, E.2 and E.3. An assessment of the proposal against these requirements is undertaken below.

E.1 Development is not permitted under Class E if –

(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);

The existing dwelling is not in use as a dwelling by virtue of a change of use and therefore paragraph E.1(a) is not applicable to this application.

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The dwelling sits within a very large plot. The proposed garage covers an area of some 100 square metres. Whilst large for a garage, the curtilage for this dwelling covers an area of approximately 0.3ha and as such, the proposal is compliant with paragraph E.1(b)

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

The existing dwelling has a principal elevation which faces southwestwards, characterised by an entrance door. As shown on the Proposed Site Plan, the proposed garage structure would be situated to the west of the existing dwelling behind the front building line of the principal elevation, thus meeting the requirements of paragraph E.1(c)

(d) the building would have more than a single storey;

The Plans show the proposed garage would be single storey, and is therefore compliant with paragraph E.1(d)

(e) the height of the building, enclosure or container would exceed –

(i) 4 metres in the case of a building with a dual-pitched roof;

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse; or

(iii) 3 metres in any other case;

The Plans show the proposed garage to have a dual pitched roof, with an eaves height of 2.3m and a ridge height of 4.0 metres. The proposed structure is compliant with paragraph E.1(e)

(f) the height of the eaves of the building would exceed 2.5 metres

The proposed garage is shown to have an eaves height of 2.3m thereby meeting the requirements of paragraph E.1(f)

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

The existing dwelling is not listed and as such, the proposal accords with paragraph E.1(g)

(h) it would include the construction or provision of a verandah, balcony or raised platform;

(i) it relates to a dwelling or microwave antenna; or

(j) the capacity of the container would exceed 3,500 litres

The Plans do not include any of the above aspects of development and as such the proposal is complaint with the requirements of paragraph E.1(h)

E.2 In the case of any land within the curtilage of the dwellinghouse which is within –

(a) an area of outstanding natural beauty

(b) the Broads;

(c) a National Park;

(d) a World Heritage Site;

development is not permitted by Class E of the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres

The site does not fall within any of the above statutory designations and as such paragraph E.2 is not relevant in this case.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse

Article 2(3) land encompasses land within a Conservation Area; an area of outstanding natural beauty; an area specified under the Wildlife and Countryside Act 1981; the Broads; a National Park; or a World Heritage Site.

The site does not fall within any of the above designations and as such paragraph E.3 is not relevant in this case.

CONCLUSION / PLANNING BALANCE

The application for proposed ancillary garage has been assessed against the parameters set out under Schedule 2, Part 1, Class E of the General Permitted Development Order 2015 (as amended) which allows for ancillary outbuildings within the curtilage of residential dwellings.

The above assessment has found that the proposal complies this legislation and as such, it is recommended that the certificate be granted in accordance with the submitted plans.

OFFICER RECOMMENDATION: Grant Certificate

Case Officer: James Stannard
Recommendation Date: 23rd September 2019

X

Signed by: JaneC

On behalf of Staffordshire Moorlands District Council