DELEGATED DECISION REPORT

SMD/2019/0637 **Valid 17/10/2019**	**26 DILHORNE ROAD** **FORSBROOK**	**PROPOSED CERTIFICATE OF LAWFULNESS FOR SINGLE STOREY REAR EXTENSION INCLUDING NEW PITCHED ROOF OVER EXISTING** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES
If the proposed development had taken place on the date of the application could enforcement action have been taken?

If the answer is yes, the development would NOT BE LAWFUL. There are few reasons that would prevent the authority taking action against proposed development – essentially the development must be permitted either because a permission has already been granted by the authority; or it is provided for by the General Permitted Development Order 2015.

DESCRIPTION OF SITE
Detached two storey dwelling. Gable presents front and rear. There is a flat roof garage attached to the side and, behind that, a single storey attachment wraps around the south eastern corner of the dwelling with a square foot print.

PROPOSAL
To enlarge the dwellinghouse with single storey additions to the existing single storey flat roof structure to the corner of the dwelling.

The enlargement would have a total width of 6.3metres and extend beyond the rear of the flat roof corner structure by another 2 metres.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS
Cannot identify an original planning permission for the dwelling or separate permissions for the existing single storey flat roof elements.

Maps show that the dwelling post dates 1950 and that by the mid 1960s it had a footprint similar to that which existed on the date of the application. However, definitively a 1963 aerial photograph in Council archives shows that the side garage and the square corner structure were not in place on that date. They are indeed existing additions to the original dwelling.

OFFICER COMMENTS

Where the proposed extension is to be joined to an existing extension to the original house, whether that was built following a planning application or under permitted development rights, the total enlargement (being the proposed extension together with the previous extension) must meet the limits set out in (e) to (j) of Class A, Part 1.

The proposed addition would add another 2metres projection to the existing corner structure that would mean that in total the combination of existing and proposed addition would result in an enlargement that extends in total some 4.5metres from the rear elevation of the original dwelling, and the GPDO only permits a total of 4 metres.

The existing corner addition also extends beyond the side elevation of the original dwelling. Accumulatively, the proposed and existing additions would result in a total enlargement that extends beyond "*a wall forming a side elevation of the original dwellinghouse*" and in those circumstances the addition is not permitted if it has a width greater than half the width of the original dwellinghouse; and exceeds 4 metres in height. The resulting total enlargement would have a total width of 6.3m when the maximum width of the original dwelling (taking the existing side structures into account) is just 10metres; and the maximum height of the addition with a new lean to roof would be around 4.1metres. The development therefore would not be permitted on both of those counts. The development would not be permitted as clarified by A.1 (f)(i)&(ii) and (j) (i) and (iii) of Class A Part 1 Schedule 2 of the GPDO 2015.

CONCLUSION / PLANNING BALANCE

The proposed development would not be permitted by the GPDO 2015 and the LPA could have taken enforcement action if the development had been carried out on the date of the application.

NOT LAWFUL

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst
Recommendation Date: 17/12/2019

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council