DELEGATED DECISION REPORT

SMD/2019/0534 **Valid 09/09/2019**	**TROUGHSTONES FARM TROUGHSTONES ROAD BIDDULPH COMMON**	**LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED SINGLE STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

- To consider whether or not the proposed domestic extensions are Permitted Development under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

DESCRIPTION OF SITE

The application site is Troughstones Farm, Troughstones Road, Biddulph Common, a detached, previously extended dwelling positioned within the open countryside (Green Belt). Vehicular access to the dwelling is from a private track on the northern side of the property, linking directly with Troughstones Road. Parking and turning space is provided within the grounds including a detached garage. Troughstones Farm benefits from plenty of private external amenity space and does not have any closely located neighbours.

PROPOSAL

This is a Certificate of Proposed Lawful Development for a single storey side extension and single storey rear extension at Troughstones Farm. The plan accompanying the application does not show room layouts within the proposed extended areas; rather it shows coloured blocks denoting the extent of the enlargements. Elevation and footprint plans are submitted. The extension on the southern side shows a pitched roof, triple gable arrangement. The side extension to the south-east has a lean-to roof.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014), Supplementary Planning Guidance, Supplementary Planning Document and the National Planning

Policy Framework are not applicable during the determination of this application as approval is sought for a Certificate of Proposed Lawful Development.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

84/12921/OLDDC	Two-storey extension to form porch with bathroom over. Approved.
02/01183/FUL	Single-storey extension. Approved.
SMD/2018/0746	Two-storey extension. Refused
APP/B3438/D/19/3229910	Appeal against refusal of application reference SMD/2018/0746. Dismissed.
HNT/2019/0017	Single-storey side and single storey rear extension. Approved.

OFFICER COMMENTS

Approval of a certificate of proposed lawful development is sought for single-storey side and rear extensions. The application site is located within the Green Belt although this is not a material consideration in so far as the acceptance (or otherwise) of a lawful development certificate. The site does not form part of any Conservation Area, does not contain any Listed Buildings and is not land subjected to an Article 4 Direction. A planning history review confirms that permitted development rights have not been removed. It is understood that the application has been submitted to confirm the lawfulness of a Larger Homes Notification which has previously been approved (HNT/2019/0017).

For the purposes of determining this application, consideration is given to Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 which deals with extensions to domestic dwellings. Part 1 specifies 'Development within the curtilage of a dwelling house.' For ease of reference the report deals with each part of the proposal separately.

<u>Side Extension</u>
This part of the proposal is considered to be Permitted Development for the following reasons;

A.1.

A) Not applicable as the dwelling is not in use by reason of acceptance of a Class M, N, P or Q application;

B) Will not exceed 50% of the total curtilage area;

C) Will not exceed the height of the highest part of the dwelling house;

D) Eaves height will not exceed the eaves height of the existing dwelling;

E) i) Does not extend beyond the principal elevation of the original dwelling;
ii) Does not front a highway;

F) i) Does not relate to a rear extension;
ii) Does not exceed 4m high;

G) Does not relate to a Larger Homes proposal;

H) Not applicable as the extension is single storey only;

I) Eaves is less than 3m high;

J) i) Does not exceed 4m height;
ii) Is single storey only;
iii) Does not have a width greater than half the width of the original dwelling house;

K) i) does not involve provision of verandah, balcony or raised platform;
ii) does not relate to chimney, flue, soil, vent pipe;
iii) does not involve an alteration to any part of the roof of the dwelling house.

A.2 Application site is not on article 2(3) land;

Conditions – The application contains no details about (a) materials or (b) windows. These conditions must be adhered with, to ensure the development is permitted. Part (c) is not relevant as this makes reference to extensions which are larger than single storey.

Extension to southern side of building

This part of the proposal is not considered to permitted development. The scheme does not comply with section A.1 (e) (i) as the enlargement would extend beyond the principal elevation of the original dwelling house. Permitted Development Rights for Householders – Technical Guidance (September 2019) further explains the reasoning behind this part of the GPDO stating that 'this restriction means that any development to enlarge a house that is in front of a principal elevation,' 'will require an application for planning permission. Principal elevation has the meaning set out in the 'General Issues' section of the Technical Guidance (page 7). The Technical Guidance goes on to state that 'It (principal elevation) will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house. There will only be one principal elevation on a house.'

It is appreciated that a Larger Homes Notification application has been approved (HNT/2019/0017) for an identical scheme, the agent confirming that the certificate

application is required by the applicant to confirm that the HNT proposal is lawful. The HNT/2019/0017 application was partially described by the applicants as a single-storey side extension and single-storey rear extension; submitted plans also labelled the elevations as front and rear.

During the course of determining this application (certificate) the Planning agent was made aware of concerns surrounding the status of the elevations, with officer's considering that the southern elevation (proposed extension area) was in fact the principal elevation of the original house rather that the northern side which the application claimed. This differing view (to that which influenced the outcome of the HNT application) has been reached following on from additional evidence coming to light whilst assessing the application. Historical maps have been searched and a consultation from the Council's Conservation Officer has been secured. There are two main matters which indicate that the southern elevation is in fact the original principal elevation, namely the architectural features of the building and evidence of the site layout as displayed on historic maps.

Historic map searches including the council's own Ordnance Survey maps and relevant maps displayed on the National Library of Scotland website (https://maps.nls.uk) show that the northern side of the house backs directly onto an open field and that the access to the dwelling was by a track to the south of the building. A number of maps on the nls.uk website show this access arrangement has been documented including those referenced on O.S 1888-1913, O.S 1892-1914 and O.S 1949-1968 to name but a few.

The northern facing elevation is the one which is viewed upon entering the site; it contains a number of window and rooflight openings of varying sizes and positioning, a pedestrian doorway (opening into a porch) underneath a canopy, a number of domestic extensions (including dormer) and a concrete base/foundations which are the works to implement a previously approved single-storey extension. The southern elevation is a much more simplistic arrangement of windows and doors within the main wall. This (southern) elevation has the appearance of a principal elevation; the similarly sized windows and their ordered alignment are typical of a traditional rural dwelling with southern facing aspect. Whilst the building is reported as being part of a 19th century farmstead (County Council/ Historic England Farmstead survey), the large plinth stones, heavy lintels and quoins suggest an earlier date for the building core, with careful attention to the detailing of this south-facing facade. This is clearly a multi-phase building but the south-facing elevation clearly reads as the architectural and historic frontage, in other words the 'principal' elevation of the original dwelling.

The planning agent has been made aware of these opinions and subsequently submitted a response commenting that previous applications (including comments made by a Planning Inspector) describe the northern elevation as being the 'front.' However this does not make the northern elevation the original 'principal' elevation, the Technical Guidance (Permitted Development) states that 'usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.' It may be the case that the occupants refer to the northern side and door as being their 'front door' but it doesn't necessarily make it the 'principal elevation' of the original dwelling for the purposes of a certificate application. In this case the

evidence available (maps and architectural features) demonstrates that the southern side is the principal façade and therefore rendering the proposal as not qualifying for a certificate of proposed lawful development.

CONCLUSION / PLANNING BALANCE

It is recommended that the certificate of Proposed Lawful Development is refused on the basis of the extension to the southern side of the dwelling not being permitted development in accordance with the requirements of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015. No evidence has been submitted by the applicant/agent which demonstrates on the balance of probabilities that this conclusion should be reversed.

OFFICER RECOMMENDATION : Recommend refusal

Case Officer: Lisa Jackson
Recommendation Date: 09/01/2020

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council