DELEGATED DECISION REPORT

HNT/2019/0022 **Valid 17/12/2019**	**3 OAK MOUNT ROAD** **WERRINGTON**	**PROPOSED ORANGERY TO REPLACE EXISTING CONSERVATORY MEASURING 3.090 METRES BEYOND THE REAR WALL OF THE ORIGINAL DWELLING, MAXIMUM HEIGHT 3 METRES AND 3 METRES TO THE HEIGHT OF THE EAVES** **(HOUSEHOLDER NOTIFICATION APPLICATION)**

MAIN ISSUES

Compliance with the GDPO (2015).

DESCRIPTION OF SITE

The proposed site comprises a detached brick and tile dwelling and its associated curtilage, located in the Werrington and Cellarhead village development boundary. It is situated in the Cellarhead ward. The proposed site is enclosed by surrounding dwellings on Oak Mount Road. No. 1 Oak Mount Road sits to the north of the proposed site and No. 5 Oak Mount Road sits to the South. No. 7 Oak Mount Road is located to the East of the proposed site. A public garden is situated to the South-west of the site, which comprises the beginning of Oak Mount Road.

PROPOSAL

The proposed development is a single storey rear extension. The extension will have a maximum height of 3 metres and maximum eaves height of 3 metres measured externally from natural ground level. It will have a depth of 3.090 metres. Materials used in the construction of the proposed extension would match those used in the construction of the existing dwellinghouse, including facing brickwork, single ply Sarnafil membrane in grey and white uPVC double glazed windows and doors.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

GDPO (2015) Schedule 2 Part 1 Class A

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2007/0521 – Proposed bedroom extension above existing garage. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 28/01/2020
Neighbour consultation period ends: 09/01/2020
Press Advert: N/A

Public Comments

One neighbour made an objection towards the proposed extension. The objection was based on loss of light amenity, the height of the proposed extension and drainage / sewer issues which could arise.

Since the objection was made, amended plans have been sent in which show the height of the proposed extension lowered to 3 metres, which does comply with permitted development regulation.

Town / Parish Comments

N/A

OFFICER COMMENTS

In conformity with the rules stated within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the proposed rear extension to the dwellinghouse adheres to the criteria stated by the documentation. Schedule 2, Part 1, Class A of the GDPO sets out criteria to enable the classification of whether a householder development is permitted.

Schedule 2, Part 1, Class A.1 (a) states that development is not permitted if the use of a dwellinghouse as a dwellinghouse changes. The rear extension will be solely used as part of the living space of the residents to fully maintain its status as a dwelling, thus making it permitted development.

In accordance with Class A.1 (b) of the GDPO, the ground coverage of the building combined with the addition of the rear extension would not exceed 50% of the total curtilage of the dwellinghouse.

Class A.1 (c) and (d) confirm that the height of the roof and eaves of the extension

cannot exceed beyond the height of the existing dwellinghouse; otherwise the development is not permitted. As the rear extension is only single storey, the height of the roof or the eaves would not exceed the eaves and roof height of the existing dwellinghouse.

As the extension would not be constructed on the principal elevation of the dwelling, nor would it front the highway, this would classify as permitted development in compliance with Class A.1 (e.i) and (e.ii).

Under Class A.1 (g), the dimensions of the development are within those permissible under PD, now that the Government has released an amendment to the HNT legislation to remove the time limit for completion from the 30th May 2019. With a maximum height of 3 metres and a maximum depth of 4.1 and a minimum depth of 3.090 metres measured externally, the extension would be under the 4 metre height limit and fit within the 8 metre depth limit on detached dwellings. Therefore, the proposed extension could be brought forward under PD.

The enlarged part of the dwellinghouse does not have more than a single storey and therefore, Class A.1 (h) does not stand applicable to the proposed development.

The eaves of the proposed extension would be a height of 3 metres measured externally from natural ground level. As part of Class A.1 (i), although the proposed extension would be positioned within 2 metres from the curtilage boundary of the dwelling, the eaves height of the proposed extension would not exceed 3 metres. Thus, the development would be permitted.

Class A.1 (j) states that the enlarged part of the dwellinghouse can not exceed beyond a wall forming a side elevation of the original dwellinghouse. The proposed extension will only project from the rear elevation of the original dwelling, therefore this rule is not applicable.

With regard to Class A.1 (ja), any total enlargement including the addition of further enlargements to existing enlargements, cannot exceed the 8 metre limit set out in Class A.1 (g). The total measurement of the proposed extension would not exceed 8 metres, therefore meaning that it is permitted development. The only other past extension of this property was a first storey extension.

The proposed extension would not include the addition of any new ornamentation features such as a verandah, microwave antenna, a chimney or flue or the alteration to the existing roof of the dwelling. Therefore, Class A.1 (k) is not applicable.

The proposed site does not fall within article 2(3) land, therefore Class A.2 does not apply.

In order to accommodate to the conditions raised in Class A.3 of the GDPO, the proposed development would be constructed from materials which would harmonise with the existing colours, textures and materials of the dwellinghouse. In accordance with Class A.3 (a), all proposed materials are set to match those used in the construction of the existing dwelling, including facing brickwork, single ply Sarnafil membrane in grey and white uPVC double glazed windows and doors.

A neighbour has made an objection to the application, based on light amenity, the height of the proposed extension and drainage and sewers. Drainage related matters would be addressed by Building Control or Statutory providers, thus on planning grounds, it is not a reason for refusal. Although the height of the proposed extension was originally suggested to be 3.058 metres, a revised plan has been sent in to confirm that the height would be 3 metres, meaning that it would comply with permitted development restrictions.

However, it cannot be ignored that the proposed extension could potentially cause loss of light amenity to its neighbouring property at No. 1 Oak Mount Road. Therefore, an assessment of amenity has been carried out regarding neighbouring properties. The neighbour made the point that the proposed extension would be erected 40cm from his boundary and 6 feet away from his rear windows and door. When assessed under the 45 degree rule, it is made apparent that light amenity would not be adversely impacted by the proposed extension. The 45 degree angle taken from the central point of the neighbouring back door into the garden of the application site would not breach the 45 degree rule. In addition, boundary treatment between the two properties consists of an approximately 1.8 metre high fence, which would block the majority of the side elevation of the proposed extension. Despite the extension being located to the south of this neighbour, it is considered that its height and siting would not cause a loss of light, due to the above factors. Moreover, as a detached dwelling, a single storey rear extension could be constructed to a depth of 4m under part A.1 (f), and subject to other limitations, thereby a larger extension could be constructed as represents a realistic fall back position.

Number 5 Oak Mount Road is positioned to the South of the proposed site, at an angle from where the proposed extension would be located. Therefore their day/sun light amenity would not be affected by the proposed extension at all.

There would be no windows on either of the side elevations of the proposed extension. Therefore, the amenity of privacy for both neighbouring properties would be protected. The extension would face towards the side elevation, including garage of number 7, and would not cause any loss of amenity.

CONCLUSION / PLANNING BALANCE

This notification falls within the framework set out within Schedule 2, Part 1, Class A (g) of the Town and Country Planning (General Permitted Development) (England) Order 2015. Whilst an objection was made from one of the neighbouring properties, it has been established that there would not be a detrimental effect on their amenity after assessment was carried out. The proposed extension would clear the 45 degree rule, as well as be sufficiently tucked away by the boundary treatment in place. As a result, the proposed extension does not require planning permission.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Hollins
Recommendation Date: 28/01/2020

X

Signed by: JaneC

On behalf of Staffordshire Moorlands District Council