DELEGATED DECISION REPORT

SMD/2020/0111 **Valid 02/03/2020**	**6 OSBORNE STREET** **LEEK**	**CERTIFICATE OF LAWFULNESS FOR A PROPOSED ATTIC CONVERSION** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

The applicant proposes to enlarge his dwellinghouse with an addition to its roof which he thinks is permitted by Part 1, Class B, Schedule 2 of the General Permitted Development Order 2015. He has submitted plans that show and detail this proposal. If on analyses the Council agrees that it is permitted development the applicant can be issued with a 'certificate of lawfulness' endorsing that fact.

DESCRIPTION OF SITE

Mid terrace red brick dwellinghouse. 3 floors, with an existing attic room, apparently original to the dwelling type. Front and principal elevation faces the road, rear elevation backs onto an access alley that runs behind all of the dwellings in the street. The main roof has plain clay tiles. Dwelling is in a residential area, Leek Town settlement, not within the Conservation Area. The dwelling has a full pitch roof, but at the rear there is a two storey projection, that is shared with the adjoining neighbour, which has a hipped roof.

PROPOSAL

The proposed development is shown and detailed on submitted drawings numbered Proposed Plans 03; Proposed Elevations 04; and Proposed Sections 06. It shows how the dwellinghouse would be enlarged with the addition to the rear facing roof slope, and the side of the projecting hipped roof, of a box, flat roofed dormer style extension forming a kind of L shape as it follows the existing roof line at the rear. The dormer addition would be faced using plain tiles to match the existing roof. The volume of the dormer extension would not exceed 40 cubic metres.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

OFFICER COMMENTS

The enlargement of the dwellinghouse is shown and detailed on drawings submitted with the application as consisting of an addition to its roof. It is development permitted by Class B, Part 1, Schedule 2 of the GPDO 2015 because:

The dwellinghouse was built 'pre planning' at the beginning of the 20th C. It was not built with a planning permission subject to any condition or limitation that would restrict an applicant's right to alter or enlarge the dwelling in a way that is permitted by the GPDO 2015.

- It is clear, that permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of the GPDO.

- The dwellinghouse is not in a Conservation Area (i.e. on article 2(3) land).

- The top of the enlarged part would adjoin and tie into the main roof just below the ridge and as such, no part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof.

- The enlarged and altered part would only be added to the rear and side facing roof slopes on the opposite side of the dwelling to Osborne Street. The principal elevation of this dwellinghouse is quite obviously the front of the house facing the street and the elevation that fronts the highway, the roof slope that forms part of this elevation would not be altered or enlarged in any way.

- The dwellinghouse is a terraced property and the cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 40 cubic metres.

- The development would not consist of or include the construction or provision of a verandah, balcony or raised platform, or the installation, alteration or replacement of a chimney, flue or soil and vent pipe.

The Development would comply with the conditions of the permission by Class B because—
(a)the materials used in the exterior work would include the use of facing tiles that would match the appearance of the roof tiles on the main roof of the existing dwellinghouse;
(b)the enlargement would be constructed so that—
(aa)the eaves of the original roof would be maintained; and
(bb)the edge of the enlargement closest to the eaves of the original roof would not be less than 0.2 metres from the eaves; and
(ii)no part of the enlargement would extend beyond the outside face of any external wall of the original dwellinghouse

[NB. In respect of this the following paragraph in the government technical guidance provides clarification:

The enlarged part of the roof may join the original roof to the roof of a rear or side extension (generally referred to as an 'L-shaped dormer' on a main roof and 'outrigger' or 'back addition' roof), whether the part of the house being extended forms part of the original house or is an enlargement, or the shape or level of the pitch of the roofs are different in relation to each other.

It would seem that the applicant proposes and L shaped dormer, as described in the guidance, that connects the main roof of the original dwelling to that of the outrigger at the rear]

(c)there would not be any windows inserted on a wall or roof slope forming a side elevation of the dwellinghouse.

CONCLUSION

Development is permitted.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst
Recommendation Date: 22/04/2020

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council