DELEGATED DECISION REPORT

SMD/2020/0225 **Valid 28/04/2020**	**43 MEADOW CLOSE** **LEEK**	**CERTIFICATE OF LAWFULNESS FOR A PROPOSED SINGLE STOREY REAR ORANGERY.** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

Whether or not the proposed single-storey extension to the dwelling can be built in accordance with the GPDO and not require the submission of a full planning application.

DESCRIPTION OF SITE

The site is on a recently built housing development in the east part of Leek and comprises a split-level red-brick detached dwellinghouse with two-storeys at the front and three in the rear. It is one of a row of similar houses which lie on the north side of Meadow Close off Pickwood Avenue.

PROPOSAL

This is an application for a Lawful Development Certificate for a proposed development, in this case a single-storey flat-roofed rear extension which projects 4.0 metres from the rear wall of the lower ground floor level of the split-level dwellinghouse. It would have a max height of 3.3 metres when measured from the ground levels in which it would be built upon (the ground is flat), excluding the glass lantern structure which would be placed on top. Including this feature, the max height would be 3.75 metres. The walls would be made of red/brown brick to match the house. There would be large glazed floor-to-ceiling windows and French doors.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Not relevant. The application for a certificate is to be determined against the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2019/0096: Full householder planning application for single-storey rear extension with balcony over. Pending.

CONSULTATIONS

N/A

OFFICER COMMENTS

The applicant is attempting to gain a certificate of lawfulness for the extension which would confirm that it can be built without needing planning permission (i.e would be "permitted development"). The lawfulness of the development (and whether or not this can be deemed to be "permitted development" which does not need planning permission) would be determined against Schedule 2, Part 1 *("*Development within the curtilage of a dwellinghouse") Class A ("enlargement, improvement or other alteration to a dwellinghouse") of the General Permitted Development Order (2015) (GPDO).

I am satisfied that the extension can be viewed against criterion (f) of Part 1 Class A, relating to single-storey rear extensions. The proposed extension meets the two "tests" of Part 1 Class A (f) in that it would not project more than four metres from the original rear wall of the house (in the case of a detached dwelling) and would not have a height exceeding 4.0 metres.

The extension, within 2.0 metres of a boundary, would also not have an eaves height exceeding 3.0 metres when measured from the ground. An amended drawing received on 28.7.20 clarifies this. There is a small parapet wall above the eaves which takes the extension up to the max height, above 3.0 metres (excluding lantern) but this is considered to be above the actual eaves.

The proposed extension would not be within the curtilage of a listed building or in a Conservation Area.

The extension would also comprise materials which match the house i.e. red-brick and glass and hence meets the conditions attached at the end of the Part 1 Class A for development which is deemed to be permitted development.

The proposal therefore complies with criterion (f) and all the other tests in Part 1 Class A of the GPDO and the building can therefore be provided under permitted development not requiring a planning application.

Although the house is part of a new housing development, where it is quite common that the permitted development rights under the GPDO have been removed as part of the conditions of the permission, the PD Rights for this particular development have not been removed and therefore the property benefits from certain domestic works that can be undertaken under Part 1 Class A without needing a full application.

The proposed extension does not conflict with any other part of Part 1of the GPDO (including the other criteria in Class A).

The French windows and Juliet balcony above the proposed structure are already present and are part of the original design of the house.

The drawings also show some timber terracing works close to ground level but these have not been applied for under this application.

CONCLUSION / PLANNING BALANCE

The proposed extension to the dwelling would comply with Part 1 Class A of Schedule 2 of the GPDO and therefore a full application for planning permission is not required. It can therefore be deemed to be permitted development and a Certificate of Lawfulness can therefore be granted for the extension.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 29.7.20

X

Signed by: Jane Colley

On behalf of Staffordshire Moorlands District Council