

DELEGATED DECISION REPORT

SMD/2021/0211
Valid 24/03/2021

WILDWOOD
FARLEY LANE
FARLEY

**CERTIFICATE OF
LAWFULNESS FOR
PROPOSED DEVELOPMENT
RELATING TO THE
PROPOSED ERECTION OF
SINGLE STOREY SIDE AND
REAR EXTENSIONS**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

Whether the proposed development comprises permitted development under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

DESCRIPTION OF SITE

The application site comprises a detached bungalow circa 1960s/70s constructed of part render, part brick and part reconstituted stone with a tiled pitched roof. The dwellinghouse is located on the southwestern side of Farley Lane, in an isolated position. The property does not appear to have been previously extended. The application site is surrounded by farmland to the west and south and woodland on the opposite side of Farley Lane to the north and east. The site is located in the Open Countryside.

PROPOSAL

The applicant has applied for a Lawful Development Certificate for the proposed construction of a single storey side/rear extension and a single storey side extension.

To clarify, the submitted drawings also show a proposed single storey rear extension located within the middle of the dwellinghouse. Due to its depth, this extension formed an application for prior approval under HNT/2021/0010 and therefore does not form part of this Certificate (the drawings were used for both submissions).

PLANNING HISTORY

HNT/2021/0010	Prior approval for 8m rear single storey extension Prior approval not required
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HNT/2021/001 Prior approval for an additional storey
Prior approval not required

Permitted development rights are intact on the property.

OFFICER COMMENTS

In conformity with the rules stated within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is necessary to assess whether the proposed extensions to the dwellinghouse adhere to the criteria stated by Schedule 2, Part 1, Class A of the GPDO, to determine whether the householder development is permitted.

Single Storey Side Extension

The dwellinghouse was not granted by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use) and therefore part (a) is not applicable.

In accordance with Class A.1 (b) of the GPDO, the ground coverage of the building combined with the addition of the side extension, the proposed side/rear extension and the extension approved under HNT/2021/0010 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 proposed extension cannot exceed beyond the maximum roof height and eaves heights of the existing dwellinghouse; otherwise the development is not permitted. Neither the height of the roof or the eaves of the single storey extension would exceed the maximum roof or eaves heights of the existing dwellinghouse.

As the extension would not be constructed on the principal elevation of the dwelling, nor would it front the highway and form a side elevation of the existing dwellinghouse, Class A.1 (e.i) and (e.ii) are not applicable.

Class A.1 (f) and (g) relate to rear extensions and are therefore not applicable.

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

Class A.1 (i) states that if the proposed extension would be positioned 2 metres from the curtilage boundary of the dwelling, the eaves height of the proposed extension cannot be above 3 metres. The extension would be sited within 2 metres from the curtilage boundary and the eaves height will be 2.66 metres max (due to the sloping ground).

Class A.1 (j) states that the enlarged part of the dwellinghouse cannot extend beyond a wall forming a side elevation of the original dwellinghouse, unless it abides by certain criteria. The extension will extend beyond a side wall of the original dwellinghouse and will not have a width greater than half the width of the original dwellinghouse. The height of the extension also cannot exceed 4 metres. The land on which the extension will be constructed is sloping and therefore in line with the

terms of part (2) of the 'Interpretation' section of the GPDO which states *'where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it,'* the proposed extension will have an overall height of 3.97 metres. The proposed extension will therefore comply with Class A.1 (j).

With regard to Class A.1 (ja), any total enlargement including the addition of further enlargements to existing enlargements, cannot exceed the limits set out in Class A.1 (e) to (j). The proposed extension would extend from the original dwellinghouse and therefore Class A.1 (ja) is not applicable to the proposed development.

The proposed extension would not include the addition of 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 accordance with Class A.3 (a), all proposed materials are set to match those used in the construction of the existing dwelling, whilst A.3 (b) and (c) are not applicable to the proposed extension as it will not have more than one storey.

The proposed single storey side extension will therefore comply with Class A, Part 1, Schedule 2 of the GPDO.

Single Storey Side/Rear Extension

The dwellinghouse was not granted by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use) and therefore part (a) is not applicable.

In accordance with Class A.1 (b) of the GPDO, the ground coverage of the building combined with the addition of the side extension, the proposed side/rear extension and the extension approved under HNT/2021/0010 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 proposed extension cannot exceed beyond the maximum roof height and eaves heights of the existing dwellinghouse; otherwise the development is not permitted. Neither the height of the roof or the eaves of the single storey extension would exceed the maximum roof or eaves heights of the existing dwellinghouse.

As the extension would not be constructed on the principal elevation of the dwelling, nor would it front the highway and form a side elevation of the existing dwellinghouse, Class A.1 (e.i) and (e.ii) are not applicable.

Under Class A.1 (f), the dimensions of the development are within those permissible under PD, with a depth of 2.7 metres and an overall height of 3 metres. Class A.1 (g) is applicable for rear extensions with a depth of up to 8 metres in depth for a detached house. As the extension falls under (f), (g) is not applicable and prior approval is not required.

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

Class A.1 (i) states that if the proposed extension would be positioned 2 metres from the curtilage boundary of the dwelling, the eaves height of the proposed extension cannot be above 3 metres. The extension would be sited more than 2 metres from the curtilage boundary and therefore A.1 (i) is not applicable.

Class A.1 (j) states that the enlarged part of the dwellinghouse cannot extend beyond a wall forming a side elevation of the original dwellinghouse, unless it abides by certain criteria. The extension will extend beyond a side wall of the original dwellinghouse; it will not exceed 4 metres in height; it doesn't have more than one storey; and its width will not be greater than half the width of the original dwellinghouse. The proposed extension will therefore comply with Class A.1 (j).

With regard to Class A.1 (ja), any total enlargement including the addition of further enlargements to existing enlargements, cannot exceed the limits set out in Class A.1 (e) to (j). The proposed extension would extend from the original dwellinghouse and therefore Class A.1 (ja) is not applicable to the proposed development.

The proposed extension would not include the addition of 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 accordance with Class A.3 (a), all proposed materials are set to match those used in the construction of the existing dwelling, whilst A.3 (b) and (c) are not applicable to the proposed extension as it will not have more than one storey.

The proposed single storey side/rear extension will therefore comply with Class A, Part 1, Schedule 2 of the GPDO.

CONCLUSION / PLANNING BALANCE

For the reasons outlined above, the proposed single storey rear extension and the proposed single storey side/rear extension comprise permitted development under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.

OFFICER RECOMMENDATION: **Issue a POSITIVE Certificate**

Case Officer: Ailsa Berry

Recommendation Date: 19/05/2021

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council