

DELEGATED DECISION REPORT

HNT/2021/0015
Valid 10/05/2021

1 THE GREEN
CAVERSWALL

SINGLE STOREY REAR
EXTENSION MEASURING 5.4M
BEYOND THE REAR WALL OF
THE ORIGINAL DWELLING,
MAXIMUM HEIGHT 3M AND
HEIGHT TO EAVES 3M

(HOUSEHOLDER
NOTIFICATION APPLICATION)

MAIN ISSUES

Compliance with the GPDO (2015)
Neighbour amenity

DESCRIPTION OF SITE

The proposed site comprises a terraced render and tile dwellinghouse and its associated curtilage, situated in the Caverswall ward. No. 2 The Green is situated to the North-East of the site. The rear curtilage of the site adjoins the curtilage of Parkfield, The Green to the South-East. To the South-West of the site is the Auctioneers Arms public house. The highway of The Green runs adjacent to the proposed site on the North-West.

PROPOSAL

The proposed development consists of 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 5.40 metres. Materials used in the construction of the proposed extension would match those used in the construction of the existing dwellinghouse, including render and brown UPVC.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted 2020)

GPDO (2015) Schedule 2 Part 1 Class A

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

N/A

CONSULTATIONS

Publicity

Site Notice expiry date: 21/06/2021

Neighbour consultation period ends: 21/06/2021

Press Advert: N/A

Public Comments

Neighbours have been notified in accordance with the procedure outlined within the GPDO. The direct neighbour at No. 2 The Green made an objection towards the proposed extension based on the detrimental impact which it could cause on natural light entering the rear windows of the dwelling and the garden as well as the overbearingness.

Agent Comments

We as Agents are commenting on the objection received from 2 The Green, where the neighbour

has stated that that proposed extension would block all of their natural light as the height of 4m would totally

over power their garden, rear of house and outlook.

1. The LPA were notified via email that the height of the extension would be no more than 3 metres in total height (email with amended form Sent: 15 May 2021 14:24 ToPlanning@staffs Moorlands.gov.uk)

2. The fall-back position is that 2 metre fence could be erected, 50% of the rear garden area could have a 2.5 metre outbuilding. More importantly. a 3 metre extension, with a 4 metre maximum height could be erected without the need for any consent. As such, this would have an impact on number 2 the Green - this is a material fall-back position which the LPA should consider.

3. The properties are south east facing - to state that it would block ALL of the natural light is not correct; any outbuildings or fencing/hedges etc. would also impact any outlook - no dwelling which has neighbouring properties would ever have 100% outlook or no impacts.

4. It is clear that currently the 45 degree rule is already been breached, and using PD right for a 3 metre extension, this would also be the case.

5. As the extension proposed would not exceed 3 metres in total height and be no more than 5.4 metres from the wall of the original house, it is our view the development would not have an unacceptable impact on neighbours; amenity to extent a refusal would be warranted.

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), it is necessary to assess whether the proposed rear extension to the dwellinghouse adheres to the criteria stated by Schedule 2, Part 1, Class A of the GPDO, to determine whether the 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 compliant under this criterion.

In accordance with Class A.1 (b) of the GPDO, 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 proposed extension cannot exceed beyond the maximum roof height and eaves height 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, this would be in compliance with Class A.1 (e.i) and (e.ii).

This is an application under the larger extension procedure of the GPDO, therefore Class A.1 (f) does not apply. Under Class A.1 (g), the dimensions of the proposed development are within those permissible. With a maximum height of 3 metres and a depth of 5.40 measured externally, the extension combined with the existing extension would be under the 4 metre height limit and fit within the 6 metre projection limit on terraced dwellinghouses.

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.

With respect to Class A.1 (i), 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 eaves height of the proposed extension would be 3 metres, therefore the development would be in conformity with this restriction.

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 proposed extension will only project from the original rear elevation, 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 6 metre limit set out in Class A.1 (g). The total measurement of the proposed extension would not exceed 6 metres in depth, therefore meaning that it is accords with this provision. Although there has been a previous extension made to the dwelling, the total extended length of the existing and proposed extensions would add up to 5.4 metres.

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 GPDO, 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 render and brown UPVC.

Permitted development rights in relation to the proposed site remain intact.

One direct neighbour demonstrated concern regarding the rear extension, mentioning that the extension could adversely impact their light amenity to the rear of their property, as well as showing concern regarding the extension being overbearing. Therefore, it is essential that an amenity impact assessment is carried out on all direct neighbouring properties.

Due to the distance and oblique angle of Parkfield, from the proposed site, the proposed extension would not adversely affect the amenity of this neighbour. Additionally, a substantial amount of boundary treatment in the form of fencing as well as foliage is positioned in front of where extension would be positioned. Therefore, the proposed rear extension would be screened and their light amenity would not be adversely affected. Although there would be a substantial amount of fenestration in the form of windows and doors on the rear elevation of the extension which faces Parkfield, there are already windows and doors on the rear elevation of the existing extension. Additionally, the fenestration would be screened by the boundary treatment between the neighbouring dwellings, ensuring that the privacy of Parkfield, would not be compromised.

Upon assessment of the potential amenity detriment which the proposed extension could bring forth on No. 2 The Green, it has been established that the proposed extension would create loss of light amenity into the rear windows of the neighbour. As the sunlight trajectory travels from East to West, the proposed extension could potentially cause overshadowing upon the garden and rear windows of the direct neighbour at No. 2 The Green. Furthermore, an examination of the submitted site plan shows that the extension would breach the 45 degree line from the

window and door in the rear elevation. As the room solely relies on these areas of fenestration for its light source, it is viewed that the proposed extension would have a detrimental impact on light into the rear room of the neighbouring dwellinghouse. Although there is already a 1.8 metre high boundary fence in place between the proposed rear extension and the rear window at the neighbouring dwelling, it is considered that the proposed extension, in view of its height would have a greater impact on the amenity of the neighbouring property and would have a greater overshadowing and overbearing impact. The fence would not be substantial enough to screen off or mitigate the adverse effect which the proposed extension would have.

There would be no side windows on the elevation of the proposed rear extension facing No. 2 The Green, therefore privacy amenity of the neighbours would not be impacted at all in this sense. It has also been noted that an approximately 1.8 metre high fence is situated between the site and No. 2 The Green, which would block out any adverse privacy impact regardless. Thus, no adverse privacy impact would occur upon the neighbour at No. 2, The Green.

As the site is an end of terrace dwellinghouse, there are no neighbouring dwellings directly to the South-west of the site and therefore there will be no amenity impact.

The comments of the Agent are noted. In response however:

1. The height of the extension is noted and this assessment is based on the information provided by the agent.
2. Whilst a 2m fence or a 2.5m outbuilding could be erected under PD Rights, it is considered that these would be less harmful to amenity than the current proposal which would be up to 3m in height. Furthermore, it is not considered that a fence or an outbuilding is a realistic alternative to an extension and therefore carries limited weight as a fall-back position.
3. The orientation of the properties is noted and this assessment has been made accordingly. It is the officers opinion that mid to late afternoon sunshine from the south west and west would be affected by the proposal.
4. Whilst a 3m PD extension would breach the 45 degree line, the extent of the breach and impact on amenity would not be as significant as with this proposal.
5. Whilst the agent comments are noted it is considered that the proposal should be refused for the reasons set out above,.

CONCLUSION / PLANNING BALANCE

Although 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 and would be considered permitted development, a neighbour objection was made in relation to loss of natural light and overbearingness. Therefore, an amenity impact assessment became a requirement. It cannot be ignored that the 45 degree rule would be breached in this case, which in turn will cast a large shadow over the garden and rear door and window of No. 2, The Green. Although boundary treatment in the form of an approximately 1.8 metre high fence between the site and the neighbouring dwellinghouse would counteract a certain

amount of the potential detriment to amenity which could occur as a result of the proposed extension, it is evident that it would still have an overbearing impact on the neighbour. In addition, a detrimental amount of light would be lost into the neighbours' rear window and door, as well as their garden. Consequently, the amenity impact assessment came to the conclusion that the proposed extension would adversely impact the amenity of the neighbouring dwellinghouse and therefore prior approval should not be granted.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Hannah Hollins

Recommendation Date: 21/06/2021

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council