

DELEGATED DECISION REPORT

HNT/2021/0026
Valid 28/09/2021

2 CORNFIELD ROAD
BIDDULPH

LARGER HOME EXTENSION
MEASURING 4.20M BEYOND
THE REAR WALL OF THE
ORIGINAL DWELLING, 3.90M
MAXIMUM HEIGHT AND 2.30M
TO HEIGHT OF EAVES

(HOUSEHOLDER
NOTIFICATION APPLICATION)

MAIN ISSUES

Compliance with the GPDO (2015)

DESCRIPTION OF SITE

The proposed site comprises a semi-detached brick and tile dwellinghouse and its associated curtilage, situated in the Biddulph East ward. Additionally, the proposed site is within the Biddulph Development Boundary, where positive development is encouraged to be concentrated. The site is enclosed by neighbouring dwellinghouses on the West and South. No. 4 Cornfield Road is situated to the South of the site. The rear curtilage of the site adjoins the rear curtilages of No. 28 Swallow Walk and No. 30 Swallow Walk to the West. The Biddulph Town 41 public right of way is located to the North of the site. The Cornfield Road highway runs adjacent to the proposed site on the East.

PROPOSAL

The proposed development consists of a single storey rear extension, which will replace an existing conservatory extension. The extension will have a maximum height of 3.90 metres and maximum eaves height of 2.30 metres measured externally from natural ground level. It will have a depth of 4.20 metres. Materials used in the construction of the proposed extension would match those used in the construction of the existing dwellinghouse, including brick, tiles and white 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

SMD/1988/1503 – At Euters Hall Farm, Biddulph – site for residential development. Approved.

SMD/2003/0072 – Conservatory. Refused.

SMD/2003/0513 – Conservatory. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 09/11/2021

Neighbour consultation period ends: 20/10/2021

Press Advert: N/A

Public Comments

The direct neighbour has raised an objection to the proposed extension in relation to light amenity and the extension being close to a manhole. They worry that the proposed extension will impact the natural sunlight entering their rear kitchen window.

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 3.90 metres and a depth of 4.20 measured externally, the extension would be under the 4 metre height limit and fit within the 6 metre projection limit on semi-detached 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 cannot exceed 3 metres. As the eaves height of the proposed extension would be 2.30 metres, the development would conform to 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. The existing conservatory is not part of the original dwellinghouse, therefore the proposed extension would not be considered to extend beyond an original side elevation.

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 accords with this provision. The proposed extension will replace the existing conservatory 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.

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 brick, tiles and white 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 close to a manhole. Therefore, it is essential that an amenity impact assessment is carried out on all direct neighbouring properties.

The proposed extension would be positioned within very close proximity of the adjoining semi-detached dwelling at No. 4 Cornfield Road, thus amenity impact assessment is paramount. Upon assessment of the potential amenity detriment which the proposed extension could bring forth on No. 4 Cornfield Road, it has been established that the proposed extension would create loss of light amenity into the rear principal kitchen windows of the neighbour. After a site visit, an examination of the submitted site plan shows that the extension would breach the 45 degree line from the kitchen window and door in the rear elevation. As the habitable 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 trellis style 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.

I note that a previous planning application was submitted for a conservatory at the site under the reference SMD/2003/0072. This planning application was refused due to the visually overbearing impact upon the residential amenity of the neighbouring property. This was due to the projection of the proposed extension being in relative close proximity to the kitchen window of No. 4 Cornfield Road. As the proposed extension would span the entirety of the rear elevation of the host dwelling, this would mean that light amenity into the principal kitchen rear window would be compromised. As this kitchen window is considered to serve a habitable room and the proposed extension would detrimentally impact natural sunlight from entering it, the proposed extension is not considered to be acceptable upon amenity impact assessment.

Due to the distance of the site from No. 28 and No. 30 Swallow Walk, 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 the extension would be positioned. Therefore, the proposed rear extension would be screened and the light amenity of these neighbours would not be adversely affected.

There would be no side windows on the elevation of the proposed rear extension facing No. 4 Cornfield Road, therefore privacy amenity of the neighbours would not be impacted at all in this sense. Thus, no adverse privacy impact would occur upon the neighbour at No. 4 Cornfield Road. Although it is likely that there would be fenestration in the form of windows and doors on the rear elevation of the extension which would face the neighbours at No. 28 and No. 30 Swallow Walk, there are already windows and doors on the rear elevation of the existing dwelling. Additionally, the fenestration would be screened by the boundary treatment between

the neighbouring dwellings, ensuring that the privacy of No. 28 and No. 30 Swallow Walk, would not be compromised.

There are no neighbouring dwellings directly to the North of the site and therefore there will be no amenity impact.

CONCLUSION / PLANNING BALANCE

This notification does not fall 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. Due to a neighbour raising an objection relating to concern over loss of light into their kitchen window, amenity impact assessment was carried out. Upon amenity impact assessment, it was established that the proposed extension would in fact detrimentally impact natural sunlight from entering the habitable, principal rear kitchen window. The 45 degree rule would be breached in this instance, meaning that the proposed extension would cast a shadow over the principal kitchen window. As a result the proposed extension has been refused.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Hannah Hollins

Recommendation Date: 08/01/2021

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council