

DELEGATED DECISION REPORT

SMD/2021/0667
Valid 18/10/2021

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**CERTIFICATE OF
LAWFULNESS FOR A
PROPOSED CONVERSION OF
GARAGE TO HOME OFFICE
AND UTILITY WITH PITCHED
ROOF OVER AND PITCHED
ROOF OVER ENTRANCE AND
EXISTING CONSERVATORY**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

Whether or not the proposed roofs above the existing garage, conservatory and porch can be built in accordance with the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and therefore be deemed to be “permitted development” not requiring the submission of a full planning application.

Whether or not the proposed conversion of the garage forming part of the house into a study and shower room/utility room can be provided in accordance with the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and therefore be deemed to be “permitted development” not requiring the submission of a full planning application.

DESCRIPTION OF SITE

The site comprises a 1960/1970s style dwelling on a modern housing estate. It faces “The Sleeve” and all the other dwellings on that side of the cul-de-sac have the same design which includes pitch roof and gable fronted narrow two-storey dwellings with flat-roofed attached side garage which projects slightly in front of the main front wall of the house. The site is within the development boundary of Leek and is not covered by any significant designations such as Conservation Areas.

PROPOSAL

This is an application for a Lawful Development Certificate for a proposed development, in this case the addition of hipped lean-to roof above the current flat-roof side garage and side/rear conservatory (which has an existing roof which would be replaced) and which would entirely cover both structures. The proposal also includes a pitched roof over an existing flat roof porch. The proposal also includes the conversion of the garage into habitable accommodation involving the replacement of the garage door with external wall with window above and the insertion of a new window into the side wall plus internal works.

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

A recent planning permission was granted to provide a first-floor extension over the garage but this has not been implemented.

CONSULTATIONS

N/A

OFFICER COMMENTS

The applicant is attempting to gain a certificate of lawfulness for all the works which would confirm that they can be built and provided 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 alteration" (of a dwelling)) of Schedule 2 of the General Permitted Development Order (2015) (GPDO) (as amended) and also Class D in the case of the porch works.

The garage roof would be deemed an enlargement projecting from an existing side wall and when applying criterion (j) of Class A, it would not exceed a height of 4.0 metres in conjunction with the existing garage which is part of the original house. When applying criterion (i) relating to works within 2.0 metres of a boundary, the eaves height would not exceed 3.0 metres. When applying criterion (e), it would not project any further forward of a wall forming the primary elevation of the dwelling as the front wall of the garage is deemed to be part of the primary elevation despite being further forward of the main front wall of the house. It would also comply with the governments "Technical Guidance" for householders in this respect (with reference to page 15).

With regard to the roof over the conservatory, this was added as an extension. Criterion (j) relating to side extensions again applies. The proposed roof and existing conservatory project to the side of the original side wall (in this case the side wall of the garage), but neither would project any further rearward of the rear wall of the house. The structures would also not exceed half the width of the original House (which includes the garage). The diagram at the bottom of page 25 of the Technical Guidance shows that this form of resultant extension would comply with Part A(j).

The porch roof over the existing flat-roof porch would result in a porch which does not exceed 3.0 metres in height or have a footprint of over 3.0 metres and therefore complies with Part 1 Class D relating to porches.

The conversion of the attached garage including the insertion of windows would be deemed to be an "alteration" under Part 1 Class A but which is not caught out by any of the criteria attached to that Class or any part of Part 1 for that matter.

CONCLUSION / PLANNING BALANCE

The proposed works would comply with Part 1 Classes A and Class D of Schedule 2 of the GPDO. Therefore a full application for planning permission is not required for any of the proposed works. The works can therefore be deemed to be permitted development and a Certificate of Lawfulness can therefore be granted for the proposal.

OFFICER RECOMMENDATION : APPROVE GRANT OF CERTIFICATE

Case Officer: Chris Johnston

Recommendation Date: 13.12.21

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council