

DELEGATED DECISION REPORT

SMD/2021/0735
Valid 12/11/2021

4 BIRCHENDALE CLOSE
LOWER TEAN

**CERTIFICATE OF
LAWFULNESS FOR A
PROPOSE SINGLE STOREY
REAR EXTENSION**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

Whether or not the proposed single-storey rear extension 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.

DESCRIPTION OF SITE

The site is within the built up area of Lower Tean village and comprises a 1950/1960s style semi-detached two-storey dwellinghouse facing Birchendale Close to the east and there are similar dwellings either side. The site is not affected by any particular designations.

PROPOSAL

This is an application for a Lawful Development Certificate for a proposed development, in this case a single-storey rear extension which projects exactly 3.0 metres from the main rear wall of the house and which would span most of the rear wall, replacing an existing conservatory. It would have a lean to roof design and the proposed bricks and tiles would match that of the house.

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

None.

CONSULTATIONS

N/A

OFFICER COMMENTS

The applicant is attempting to gain a certificate of lawfulness for a proposed rear extension which would confirm that it 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 other alteration of a dwellinghouse") of Schedule 2 of the General Permitted Development Order (2015) (GPDO) (as amended).

I am satisfied that the extension conforms with the particular criteria/tests in Part 1 Class A as the extension would not exceed a height of 4.0 metres and would project no more than 3.0 metres from an original rear wall (not a wall of previous extension), excluding the roof overhang, fascia board and guttering although these are to be excluded from the measurement in accordance with the governments Technical Guidance on householder works. The extension would therefore comply with the relevant criterion for single-storey rear extension, criterion (f).

The extension would not contravene any other part of Part 1 Class A and the materials would match those of the house, therefore also complying with this part of the legislation.

PD Rights appear to be intact.

CONCLUSION / PLANNING BALANCE

The proposed works would comply with Part 1 Class A of Schedule 2 of the GPDO and therefore a full application for planning permission is not required for the proposed single-storey rear extension. 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

Case Officer: Chris Johnston

Recommendation Date: 7.1.22

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council