

DELEGATED DECISION REPORT

SMD/2021/0736
Valid 15/11/2021

PARK HAYES FARM
BLACKWOOD HILL LANE
GRATTON
ENDON

**APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR A PROPOSED USE FOR
SINGLE STOREY SIDE
EXTENSIONS, A TWO STOREY
REAR EXTENSION, SINGLE
STOREY REAR EXTENSION
AND A PORCH**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

Compliance with the GPDO (2015)

DESCRIPTION OF SITE

The proposed site comprises a detached stone, render and tile dwellinghouse and its associated curtilage, situated in the Horton ward. Additionally, the proposed site is on greenbelt land, where only development of special exemption is usually allowed. The Horton 62 Public Right of Way runs along the North and East curtilage of the site, branching off into the Horton 0.1769 Public Right of Way heading East. The closest neighbour at the address The Ostlers Cottage, Blackwood Hill Lane is situated to the North-West of the site and Blackwood Old Hall Farm, Blackwood Hill Lane is located to the North. Both of the aforementioned neighbours are separated from the site by pockets of open greenbelt countryside. The curtilage of the site adjoins an area of open greenbelt land to the South. The Blackwood Hill Lane highway runs adjacent to the proposed site on the North-West.

PROPOSAL

This application seeks approval for a certificate of lawfulness for proposed development under Section 192 of the Town and Country Planning Act 1990 for a proposed two storey rear extension, single storey rear extension, two single storey side extensions (one to each side elevation of the original dwellinghouse) and a porch extension to the principal elevation.

The two storey rear extension would project beyond the original rear elevation of the dwellinghouse by 3 metres and would have a width of approximately 3.71 metres spanning across the external wall of the room detailed as 'lounge' on the plans. It would have a ridge height of approximately 6.85 metres and an eaves height of

approximately 4.76 metres. The single storey rear extension would span approximately 10.45 metres across the original lean to structure to the rear of the dwelling and have a depth of 4 metres. Its ridge height would total 4 metres and the eaves height would be approximately 2.52 metres.

The Northern side extension would project beyond the original North side elevation of the dwellinghouse by approximately 6.85 metres and the Southern side extension would project beyond the original Southern side elevation by approximately 7.10 metres. They would both have a length of 4.74 metres. The ridge height of the side extensions would be 4 metres and their eaves height would be 2.64 metres.

Lastly, the proposed porch extension would project forward of the principal elevation of the dwelling by 1.5 metres and have a width of 2 metres. Its maximum height would be 3 metres and the eaves height would be 2.3 metres measured externally from natural ground level.

Materials used in the construction of the proposed extensions would match those used in the construction of the existing dwellinghouse, including stone, render and tiles.

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

HNT/2021/0030 – Proposed single storey rear extension measuring 8.00 metres beyond the rear wall of the original dwelling, 4.00 metres maximum height and 2.40 metres to height of eaves. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 10/01/2022

Neighbour consultation period ends: N/A

Press Advert: 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 two storey rear extension, single storey rear extension, two side extensions and porch extension to the dwellinghouse adhere to the criteria stated by Schedule 2, Part 1, Class A and Schedule 2, Part 1, Class D of the GPDO, to determine whether the householder development is permitted.

Two Storey Rear Extension, Single Storey Rear Extension and Two Side Extensions:

Schedule 2, Part 1, Class A.1 (a) states that development is not permitted if the use of a dwellinghouse as a dwellinghouse changes. All of the proposed extensions will be solely used as part of the living space of the residents to fully maintain its status as a dwelling, thus making them 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 all of the extensions 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 a 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 any of the extensions would exceed the maximum roof or eaves heights of the existing dwellinghouse. The two storey rear extension would be of the same ridge and eaves height as the parent dwellinghouse.

As the rear and side extensions would not be constructed on the principal elevation of the dwelling, nor would they 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).

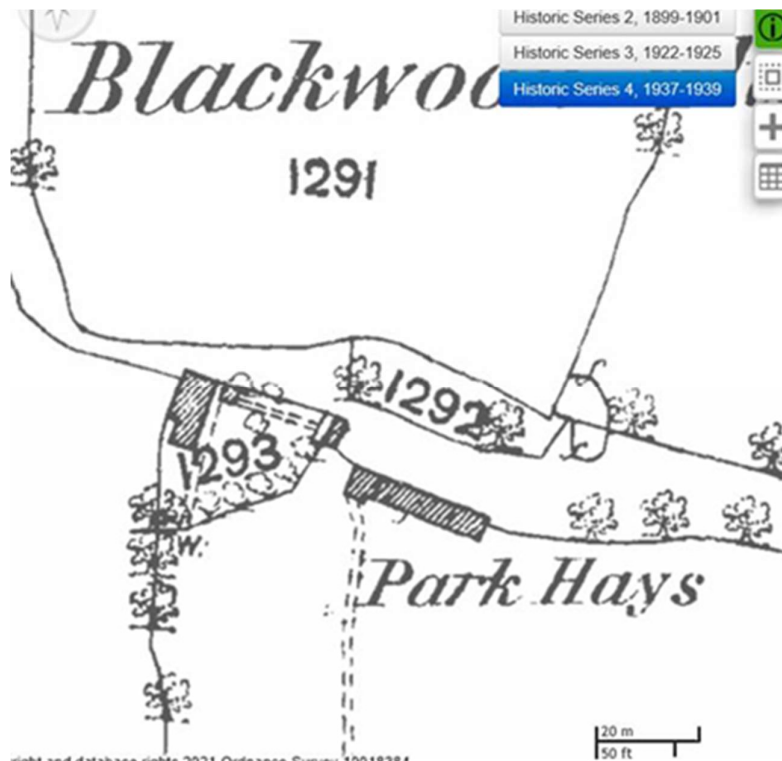
As part of the application is for a two storey rear extension, two side extensions and a porch extension, Class A.1 (f) and (g) do not apply to these. Under Class A.1 (f), the dimensions of the proposed single storey rear extension are within those permissible. With a maximum height of 4.0 metres and a depth of 4.0 measured externally, the extension would be under the 4 metre height limit and fit within the 4 metre projection limit on detached dwellinghouses.

The two storey rear enlarged part of the dwellinghouse would have more than a single storey, therefore this extension will need to comply with Class A.1 (h). As the two storey rear extension would not project beyond the rear elevation of the original dwellinghouse by more than 3 metres, neither would it be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse, it would be permitted 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 only extension positioned within 2 metres of the curtilage boundary would be the single storey side extension attached to the North-Eastern gable of the original dwellinghouse, this is the only extension which would need to be assessed under this criterion. Thus, as the eaves height of the proposed single storey side extension to the North-Eastern elevation of the original dwelling would be 2.64 metres, the development would conform to this restriction.

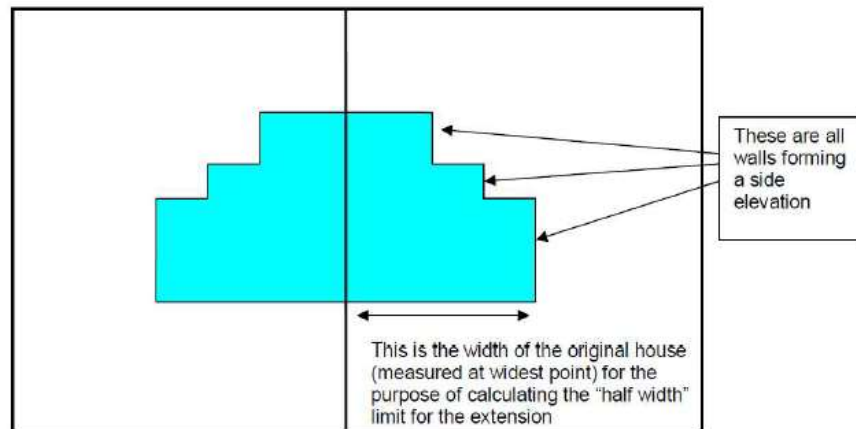
Class A.1 (j) states that the enlarged part of the dwellinghouse cannot extend beyond a wall forming a side elevation of the original dwellinghouse, unless it abides by certain criteria. The two proposed side extensions would not have a ridge height greater than 4 metres, have more than a single storey or exceed half the width of the original dwellinghouse. Whilst the width of the original dwellinghouse is approximately 14.37 metres, one of the side extensions would have a width of approximately 7.10 metres and the other would be 6.85 metres. Therefore, the proposed side extensions would conform with this criterion.

Initially, plans were submitted demonstrating a two storey rear extension which spanned across the full rear elevation of the original dwellinghouse, wrapping around the external wall of the room where the stairs are located on the proposed plans, which is considered as an original side elevation. Historic maps of the site from before 1947 show a bit stepping off from the main rear elevation of the dwelling, indicating that the lean to bit is part of the original dwellinghouse. Even if this was an extension, it had been built before 1947.

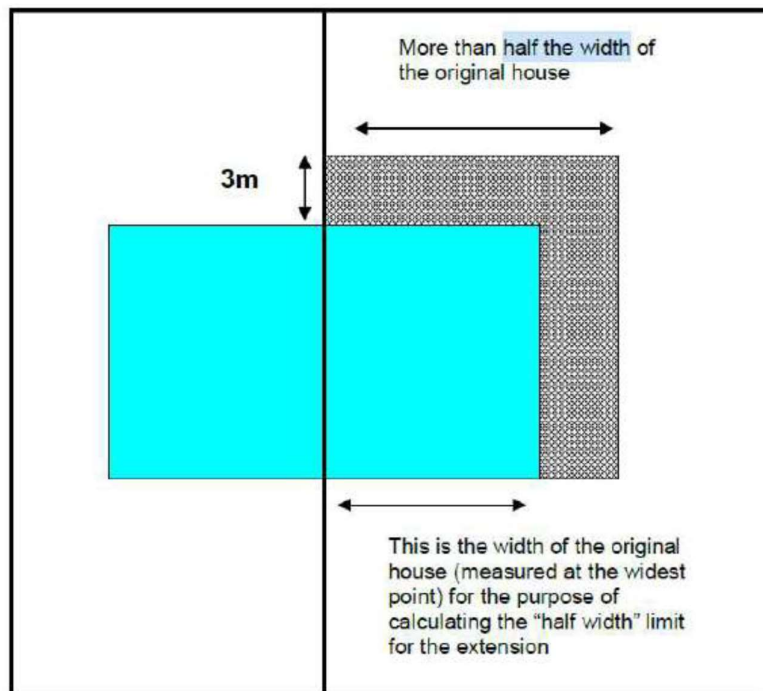


Therefore, as the proposed extension would have extended beyond an original side elevation of the dwellinghouse and would have a width greater than half the width of the original dwellinghouse, Class A.1 (j.iii) would be breached.

This scenario is covered in the Government Technical guidance. The diagram below shows that where the original rear elevation is “stepped” as was the case here, each “step” forms a side elevation.



Where a rear extension wraps around a side elevation, the total width across its rear elevation must not exceed half the width of the original dwelling. This is illustrated in the diagram below from the technical guidance and reflected the situation here in that the extension exceeded half the width of the original dwelling. On this basis the proposal was clearly not permitted development.



Revised plans have been submitted, showing a clear split between two separate rear extensions. The two storey rear extension would extend from the rear wall of the lounge and the single storey rear extension would extend off the rear wall of the pantry, bathroom and the room leading to the stairs. Separating the initially proposed extension into two means that they would not wrap around an original side elevation of the dwellinghouse, creating a series of stepped extensions to ensure that they would comply with Class A.1 (j.iii).

With regard to Class A.1 (ja), any total enlargement including the addition of further enlargements to existing enlargements, cannot exceed the 4 metre length limit, 4 metre height limit or 3 metre eaves height limit set out in Class A.1 (f) and (i). There have been no extensions made to the dwellinghouse after 1947. Therefore, as the two storey rear extension, single storey rear extension and two side extensions will all project from elevations comprising the original dwellinghouse, this criterion is non-applicable.

The proposed extensions 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 stone, render and tiles. The two storey rear extension would not incorporate any side facing windows, in compliance with Class A.3 (b).

Porch Extension:

Schedule 2, Part 1, Class D.1 (a) states that development is not permitted if the use of a dwellinghouse as a dwellinghouse changes. The proposed porch 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.

Class D.1 (b) restricts porch extensions from exceeding 3 square metres of ground area (measured externally). The porch extension would have a ground area of 3 square metres, meaning that it would comply with this criterion.

With regard to Class D.1 (c), any part of the proposed porch extension cannot be more than 3 metres above ground level. Initially, the plans submitted showed the porch to have a height of 3.38 metres, meaning that it would not have been permitted development. Revised plans were submitted, reducing the height of the porch to 3 metres. Thus, it would now comply with this criterion.

No part of the proposed porch extension would be within 2 metres of any curtilage boundary of the dwellinghouse with a highway, thus it is considered to meet this criterion.

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

CONCLUSION / PLANNING BALANCE

The two storey rear extension, single storey rear extension, two side extensions and porch extension all meet the above permitted development requirements and therefore a Certificate of Lawful Development can be issued under Section 192 of the Town and Country Planning Act 1990.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Hollins

Recommendation Date: 10/01/2022

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council