

DELEGATED DECISION REPORT

SMD/2021/0820
Valid 10/12/2021

205 CONGLETON ROAD
BIDDULPH

**LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED SINGLE STOREY
REAR EXTENSION AND
SINGLE STOREY SIDE
EXTENSION**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

DESCRIPTION OF SITE

The application site is a semi-detached property within the town boundary of Biddulph. The property has an outrigger to the rear.

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 the erection of a single storey side and rear extension.

The single storey side extension will feature a dual pitch and will sit next to the outrigger; it will serve a W/C. The existing outrigger will be integrated with the side/rear extension that will serve a sitting room. It will have a width of 3.45 metres to party wall line.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 192 of The Town and Country Planning Act 1990 (as amended). The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A

SITE HISTORY

None

EVIDENCE IN SUPPORT OF THE APPLICATION

- Application Form
- Drawing no: P270 – 205 Site location plan
- Drawing no: P270 – 204 Location plan
- Drawing no: P270 – 203 Proposed elevations
- Drawing no: P270 – 202 Proposed floor plans
- Drawing no: P270 – 201 Existing elevations
- Drawing no: P270 – 200 Existing floor plans

OFFICER COMMENTS

Section 192 of The Town and Country Planning Act 1990 (as amended) entitles any person to ascertain whether-

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land, would be lawful, they may make an application for the purpose to the Local Planning Authority specifying the land and describing the use or operations in question. If, on an application under this section, the Local Planning Authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Subsequently, the main considerations in respect of this application are whether the erection of a single storey rear extension is in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.

A.1 Development is not permitted by Class A if— (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use); **The application site has not previously been involved as part of a change of use.**

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); **The proposed works will not exceed 50% of the total area of the curtilage.**

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse; **The height of the proposed extension will not exceed the highest part of the roof of the existing dwellinghouse.**

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse; **The eaves height of the proposed extension will not exceed the eaves height of the existing dwellinghouse.**

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—
(i) forms the principal elevation of the original dwellinghouse; or
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;
The proposed extension is not located forward of the principal elevation of the original dwellinghouse and does not front a highway.

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

The proposed single storey extension extends beyond the rear wall of the original dwellinghouse by no more than 3 metres.

(ii) exceed 4 metres in height;

The proposed single storey extension does not exceed the height of 4 metres.

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse; **The proposed extension will not exceed more than a single storey.**

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres; The height of the eaves does not exceed 3metres.

The height of the eaves does not exceed 3metres.

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse;

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

The proposed extension will incorporate the existing outrigger and form a sitting room. The outrigger is considered to be part of the original dwelling that protrudes out 2m from the rear wall and therefore, the sitting room would be assessed as both a side and rear extension to which it will be greater than half the width of the original house. The extension width is 3.45 metres to party wall line whereas the dwellinghouse width is 6.4 metres. The proposed development does not meet J (iii) of this class.

(k) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform,

(ii) the installation, alteration or replacement of a microwave antenna,

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe,

(iv) an alteration to any part of the roof of the dwellinghouse.;

The proposed extension does not include any of the points listed under part K.

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if— (a) it would consist of or include the cladding of any part of the

exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles; (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse. (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c)
The dwellinghouse is not located on article 2(3) land.

Conclusion

The proposal does not meet the above permitted development requirements and therefore a Certificate of Lawful Development cannot be issued under Section 192 of the Town and Country Planning Act 1990.

OFFICER RECOMMENDATION : Refusal

Case Officer: Lisa Li

Recommendation Date: 09/02/22

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council