

DELEGATED DECISION REPORT

SMD/2022/0097
Valid 18/02/2022

12 THELMA AVENUE
BROWN EDGE

LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED FRONT PORCH
AND SIDE EXTENSION

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

DESCRIPTION OF SITE

The property sits at the end of a cul-de-sac within the village boundary of Brown Edge. It is a detached property that has previously extended via a single storey rear extension.

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 porch and single storey side/rear extension.

The single storey extension will have a maximum length of 4.9metres and a width of 4.3 metres. The total height of the extension will be 3.7metres and eaves height of 2.6metres.

The porch has a dimensions of 1.2m by 2.2m with height of 3.6m.

There is an existing single storey rear extension at the property.

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 Enlargement, improvement or alteration and Class D Porches

SITE HISTORY

None

EVIDENCE IN SUPPORT OF THE APPLICATION

- Application Form
- Drawing: Proposed study and porch extension

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 side/ rear extension and porch are in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A and Class D.

Proposed side/ rear extension

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 dwelling is a detached. The proposed single storey side/ rear extension sits flush with the existing rear extension.

(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);

Having checked the Council's historic map, it appears that the proposed single storey side and rear extension will be more than half the width of the

original property. The proposal conflicts with this section of the 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.

Porch

Development is not permitted by Class D if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P 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)the ground area (measured externally) of the structure would exceed 3 square metres;

The porch externally measures 2.64m. The proposal meets this criteria.

(c)any part of the structure would be more than 3 metres above ground level; or

The porch has a ridge height of 3.6m. The proposal conflicts with this criteria.

(d)any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

The porch would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

Conclusion

The single storey side/rear extension and porch 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 : Refuse

Case Officer: Lisa Li

Recommendation Date: 25/03/22

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council