

DELEGATED DECISION REPORT

SMD/2022/0305
Valid 06/06/2022

**CLIFF HOUSE, BANK END,
BROWN EDGE,
STAFFORDSHIRE, ST6 8QR**

**LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED DEMOLITION OF
SIDE/REAR PORCH & RE-
BUILD OF SIDE/REAR
PORCH/WC**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

Whether the proposed development comprises permitted development under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

DESCRIPTION OF SITE

The application site comprises a two-storey, detached dwellinghouse constructed of stone with a slated pitched roof. The property has previously extended to the rear with a two storey extension, single storey side porch and on the front a conservatory which is the entrance porch serving the principle elevation.

The application site is located on a hillside and fronts onto Bank End.

The application site is located in the village of Brown Edge, adjacent to a commercial premises but within what is predominantly a residential area.

PROPOSAL

Initially the applicant applied for a Lawful Development Certificate for the proposed demolition of the existing conservatory & rear porch & re-build of both the conservatory & rear porch/WC.

It was clear that the replacement extension on the principal elevation fronting the highway could not be considered permitted development. The applicant amended the application, deleting the replacement conservatory from the proposed build and it is now not subject of the LDC application.

The proposal is for the demolition of the existing side porch & re-build/enlargement of rear porch/WC.

SITE HISTORY

SMD/2006/1299	Cliff House	Two storey rear extension	Approved	28/02/2007
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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 extension to the dwellinghouse adheres to the criteria stated by Schedule 2, Part 1, Class A of the GPDO, to determine whether the householder development is permitted.

Single storey side/rear extension

The dwellinghouse was not granted by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use) and therefore part (a) is not applicable.

In accordance with Class A.1 (b) of the GPDO, the ground coverage of the proposed side/rear extension combined with the area of the extension approved under HNT/2021/0010 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 the proposed extension cannot exceed beyond the maximum roof height and eaves heights of the existing dwellinghouse; otherwise, the development is not permitted. Neither the height of the roof or the eaves of the proposed extension would exceed the maximum roof or eaves heights of the existing dwellinghouse.

Class A.1 (e.i) it is confirmed that the porch extension would not be constructed on the principal elevation of the dwelling.

Class A.1 (f) and (g) relate to rear extensions are applicable to the proposed replacement porch.

Class A.1 (f) states that 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
- (ii) exceed 4 metres in height;

The enlarged part of the dwellinghouse does not have more than a single storey and is not more than 4m high and does not extend from the original rear wall by more than 4m, therefore, Class A.1 (f) is satisfied.

Class A.1 (g) is not applicable. Nor is Class A.1 (h) as two storeys is not proposed.

Class A.1 (i) states that if the proposed extension would be positioned 2 metres from the curtilage boundary of the dwelling, the eaves height of the proposed extension cannot be above 3 metres.

The extension would be sited within 2 metres from the curtilage boundary and the eaves height will be under 3 metres.

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 extension will extend beyond a side wall of the original dwellinghouse and will not have a width greater than half the width of the original dwellinghouse. The height of the extension also cannot exceed 4 metres.

The proposed extension will therefore comply with Class A.1 (j). With regard to Class A.1 (ja), any total enlargement including the addition of further enlargements to existing enlargements, cannot exceed the limits set out in Class A.1 (e) to (j). The proposed extension will extend from the extension to the original dwellinghouse and therefore Class A.1 (ja) is applicable to the proposed development, however the projection accords as it is not exceeding 4m from the rear wall of the original dwelling.

The proposed extension would not include the addition of 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.

Class A.1 (l) is not applicable. The existing dwelling was not built under Part 20 of the Order.

The proposed site does not fall within article 2(3) land; therefore Class A.2 does not apply.

In accordance with Class A.3 (a), all proposed materials are set to match those used in the construction of the existing dwelling, whilst A.3 (b) and (c) are not applicable to the proposed extension as it will not have more than one storey.

The proposed single storey side/rear porch extension will comply with Class A, Part 1, Schedule 2 of the GPDO.

CONCLUSION / PLANNING BALANCE

For the reasons outlined above, the proposed single storey rear extension conforms with the rules stated within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - adhering to the criteria stated by Schedule 2, Part 1, Class A of the GPDO - the householder development is permitted.

OFFICER RECOMMENDATION: Issue a POSITIVE Certificate

Case Officer: Pet Twigg

Recommendation Date: 18.07.2022

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council