

DELEGATED DECISION REPORT

SMD/2022/0323
Valid 29/06/2022

**GREENWAYS ROWNALL
ROAD
WETLEY ROCKS**

**LAWFUL DEVELOPMENT
CERTIFICATE IS BEING
SOUGHT TO CONFIRM
PERMITTED DEVELOPMENT
RIGHTS FOR A TWO-STOREY
REAR EXTENSION TO THE
REAR OF THE SUBJECT
PROPERTY.**

**(CERTIFICATE OF
LAWFULNESS - EXISTING)**

MAIN ISSUES

Whether or not a proposed two-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 in the countryside to the west of Wetley Rocks and is also in the Green Belt. It comprises a 1930s style detached two-storey brick and tile dwellinghouse which faces Rownall Road, a country lane to the west and there is open land to the north and east (rear), a neighbouring dwelling immediately to the south and several farm and industrial buildings and barn dwellings on the opposite side of the road to the west. The property itself has a large garden area to the south side of the house which is not deemed to be in the “residential curtilage” of the dwelling.

PROPOSAL

This is an application for a Lawful Development Certificate for a proposed development, in this case a two-storey rear extension in place of existing single-storey rear conservatory which would be demolished. The new extension would span about two-thirds of the current rear wall of the dwelling and would project 3.0 metres from it. It would have a double gable-ended roof with ridges level with the main existing roof ridge of the house. The eaves would also be level with those of the main part of the house.

An amended location plan was received to show the red line drawn around the proposed extension with the property boundary outlined in blue.

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

SMD/1979/0018: Extension to form lounge with bedroom over. Approved 26 Sept 1979.
SMD/1982/0488: Extension to form garage and laundry room. Approved 21 May 1982.
SMD/1985/0327: Proposed new access. Approved 6 Sept 1985.
SMD/2005/0134: Two storey side and single storey rear extension. Refused. Appeal Dismissed January 2006.
SMD/2005/1069: Single storey rear extension with pitched roof. Refused 16th December 2005. Appeal Dismissed. May 2006.
SMD/2017/0039: Full application for two-storey rear extension. Refused.
SMD/2021/0055: Certificate of lawfulness for proposed outbuilding ancillary to the house. Pending.

CONSULTATIONS

N/A

OFFICER COMMENTS

The applicant is attempting to gain a certificate of lawfulness for the 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 in terms of the dimensions and siting of the extension. For example, regarding the tests affected by the proposal, it would not lead to more than 50% of the land around the house, within the curtilage (which excludes the garden area to the south side of the house despite this area being shown within the red line application site on the originally submitted location plan), being taken up by development and therefore conforms with Class A (a). It would not exceed the ridge or eaves height of the existing house in compliance with Class A (c and d), would not exceed a projection of 3.0 metres from an original rear wall. On researching the previous planning application files for the property, it was found the only extension present at the house is a two-storey side extension to provide a living room and bedroom above on the south side of the house. None of the proposed rear extension adjoins the current side extension. The proposed extension rear extension would be wholly projecting outward from the original rear wall of the house (i.e. the house as it was build before any enlargements). The proposed extension would also not be within 7.0 metres of the site curtilage boundary opposite. A historical map from 1939 on "Statmap" shows the true curtilage of the property and the current rear boundary is consistent with what is shown on that historical map. The proposal therefore conforms with Class A (h). No part of the extension would be within 2.0 metres of any boundary and would therefore conform with Class A(i).

The site is not in a Conservation Area so therefore Part A.2 does not apply.

It would therefore be deemed to be permitted development in accordance with the conditions outlined in Class A(3). These require the finishing materials be similar to those of the existing house, where there are side windows they must be obscured glazed (no side windows are shown on the proposed extension) and as far as practicable, the proposed roof

itches must be same angle as those existing. In this case, the roof pitches on the rear gables are shown to be the same as those of the main roof of the house.

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 extension. The works are therefore be deemed to be permitted development that can be built without planning permission and a Certificate of Lawfulness can therefore be granted for the proposal.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston

Recommendation Date: 25.8.22

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council