DELEGATED DECISION REPORT

SMD/2022/0214 **Valid 30/05/2022**	**MOSS HOUSE FARM LEEK ROAD ENDON**	**CERTIFICATE OF LAWFULNESS FOR A PROPOSED TWO STOREY EXTENSION TO REAR.** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

Whether or not the 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 on the southern edge of Endon village but outside of the development boundary and in the Green Belt. It comprises a residential plot with detached two-storey sandstone cottage but also adjacent agricultural buildings to the south of the house and within the confines of the property. It is reached via track off Leek Road to the west. The track continues past other residential properties and then crosses a former railway. The plot is just to the other side of this at the end of the track on the right (south) and is marked by gates. The cottage faces the Cauldon Canal which runs along the east boundary with the rail track marking the western boundary. The canal is within a Conservation Area but the site is excluded from this. To the north lies other agricultural buildings at the end of the entrance track. The two farm buildings (one modern metal sheeted, the other a more ramshackle nissan hut) within the property itself lie to the south of the house and are outside of the residential curtilage. Fields lie to the south of this. The site is in Flood Zone 2.

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 extensions (not shown on either the Existing or Proposed drawings) which would be demolished. The new extension would span the whole of the original two-storey stone rear wall of the dwelling and would project 3.0 metres from it. It would have a triple 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.

Amended plans were received which include a location plan with an amended red edge drawn to correctly define the residential curtilage of the dwelling. This includes the land up to the west boundary of the property and includes the drive/parking area to the rear of the house and the area of grass garden to the west of the drive where a

certificate of lawfulness was granted for a proposed domestic garage building (the extent of the true residential curtilage of the property was tested as part of the determination of the application. An amended elevation and layout drawing was also received which removes the original incorrect red-line Location Plan detail.

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/2021/0164: Full householder planning application for replacement rear extensions to the dwelling. Approved.

SMD/2021/0165: Certificate of lawfulness for proposed detached domestic triple garage. Approved.

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 curtilage the house 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 and would not be within 7.0 metres of the site curtilage boundary opposite (the whole area directly between the house and the west/rear ownership boundary was deemed to be curtilage in determining a the certificate of lawfulness for the triple garage under SMD 2021 0165) and 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 pitches must be same angle as those existing. In this case, the roof pitches on the rear gables are shown to differ with the existing pitches of the main roof of the house. However, the agent has stated that due to the low eaves of the cottage and the layout, it would not be structurally possible to provide the exact same roof pitches on the gables without the ridges being raised higher than the roof (which would therefore not meet the tests for the extension to be permitted development). However, I consider the difference in roof pitch to not be extreme and that the agent has demonstrated that in this case, the roof would "as far as practicable" be similar to existing and I therefore consider that the condition would be met.

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: 6.9.22

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council