

DELEGATED DECISION REPORT

SMD/2021/0223
Valid 29/03/2021

8 NEVIN AVENUE
KNYPERSLEY

CERTIFICATE OF
LAWFULNESS FOR A
PROPOSED SINGLE STOREY
REAR EXTENSION

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- The application seeks to determine whether the proposal requires planning consent.

DESCRIPTION OF SITE

The application site relates to a detached bungalow that is located within Knypersley. The property benefits from a garden to the front with a private driveway and garage to the side. The property also benefits from a private garden to the rear.

PROPOSAL

This is an application for a Certificate of Lawfulness for a proposed single storey extension to rear of the property following the demolition of an existing conservatory.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

General Permitted Development Order 2015

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: n/a
Neighbour consultation period ends:n/a
Press Advert: N/A (*Add date if applicable)

Public Comments

None received

Town / Parish Comments

- recommend that the application be considered by planning officers as to whether a planning application is needed.

OFFICER COMMENTS

Assessment of proposal in relation to the provisions of Class A Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015:

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 or Q of Part 3 of this Schedule (changes of use);

Permission for use as a dwellinghouse was not granted by virtue of class M, N, P or Q of Part 3.

(b) as a result of the works the total area of ground covered by buildings within the curtilage of the dwelling house (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);

The single storey extension will not exceed 50% of the total area of curtilage of the property.

(c) the height of the part of the dwelling house enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwelling house;

The height of the proposed single storey extension will not exceed the height of the existing dwelling.

(d) the height of the eaves of the part of the dwelling house enlarged or improved or altered would exceed the height of the existing dwelling house;

The height of the eaves of the proposed extension will not exceed the height of the eaves of the existing dwellinghouse.

(e) the enlarged part of the dwelling house would extend beyond a wall which - (i) fronts a highway; and (ii) forms either the principal elevation or a side elevation of the original dwelling house;

The proposed single storey extension will not extend beyond a wall which is considered to front a highway.

(f) subject to paragraph (g), the enlarged part of the dwelling house would have a single storey and – (i) extend beyond the rear wall of the original dwelling house by more than 4 metres in the case of a detached dwelling house or 3 metres in the case of any other dwelling house, or (ii) exceed 4 metres in height;

The single storey rear extension will extend beyond the rear wall of the detached dwellinghouse by 3.1m and measure 3.9m in height. It is noted that a patio, ramp and wall are included in the proposal. If these are taken into account the extension would project more than 4m. The patio would be 380mm high. However, the ramp and wall are considered to be de-minimis and a wall of up to 2m and raised deck of up to 300mm could subsequently be added under PD in any event.

(g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, 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 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or(ii) exceed 4 metres in height;”

N/A

h) the enlarged part of the dwelling house would have more than one storey and – (i) extend beyond the rear wall of the original dwelling house by more than 3 metres, or be within 7 metres of any boundary of the curtilage of the dwelling house opposite the rear wall of the dwelling house;

The proposed extension will be single storey.

(i)the enlarged part of the dwelling house would be within 2 metres of the boundary of the curtilage of the dwelling house, and the height of the eaves of the enlarged part would exceed 3 metres;

The proposed single storey extensions will measure 2.4m at the eaves.

(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 one storey, or (i) have a width greater than half the width of the original dwellinghouse; or

The extension does not extend beyond a wall forming a side elevation.

(k) it would consist of or include— (i) the construction or provision of a veranda, 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, or (ii) an alteration to any part of the roof of the dwellinghouse.

It could be argued that the patio constitutes a raised platform. However, at 380mm high it is considered to be de-minimis having regard to the fact that a

raised deck of up to 300mm could subsequently be added under PD in any event.

The proposed single storey extensions do not consist of or includes any of the other above criteria.

CONCLUSION / PLANNING BALANCE

The development is classed as Permitted Development under Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. subject to those conditions imposed under class A, Section A.3.

OFFICER RECOMMENDATION :

To approve the application for certificate of lawfulness.

Case Officer: Rebecca Bowers

Recommendation Date: 10/10/2022

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council