

DELEGATED DECISION REPORT

SMD/2022/0504
Valid 27/09/2022

ABBEY VIEW COTTAGE
QUARRY ROAD
HOLLINGTON

LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED REAR TWO
STOREY EXTENSION AND
ALTERATIONS TO EXISTING
COTTAGE

(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 in the countryside a short distance to the north-west of Hollington village and comprises a detached stone two-storey cottage on the east side of Quarry Road, a dead-end rural track and with Quarry Bank, a country lane to the west. The dwelling was probably built in either the Victorian era or early in the 20th Century. The access is off Quarry Road and the site is on land which slopes down from west to east although the dwelling itself is on a flat piece of land in the middle of the site. The entrance door is currently on the west elevation of the building although the original front elevation appears to be on the east facing Quarry Bank down the slope. The site does not appear to be covered by any particular land designations.

PROPOSAL

This is an application for a Lawful Development Certificate for a proposed development, in this case a two-storey rear extension on the west elevation of the dwelling and also alterations to the existing elevations which comprise the enlargement of all the windows on the east elevation of the dwelling. This is part of an improvements scheme which also includes a single-storey side extension and a side porch canopy on the other side of the dwelling which were granted full planning permission earlier this year.

The two-storey extension would span the whole west/rear elevation of the building, which has not been extended before and would project 3.0 metres from that original rear wall. It would have a dual-gable roof facing the rear. The eaves would be the same height as the existing eaves of the house but the two ridges would be lower than the existing main roof ridge of the house.

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/2022/0261: Side extension and side canopy. Approved.

SMD/2018/0739: Two-storey rear extension, single-storey side extension, raising of eaves and new roof with front dormers. Refused and appeal dismissed.

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 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, to the west and therefore conforms with Class A (h). The land to the rear is also flat before it reaches the banking up to the Quarry Road and so no extraction of engineering works would be involved which would otherwise require the submission of a full planning application. 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 and as far as practicable, the proposed roof pitches must be same angle as those existing. The extension would be finished in matching stone and roofing tiles. There would be one ground floor side shower room window. The roof pitches on the proposed rear gables are of similar to the existing pitches of the main roof of the house when looking at the side gables. I therefore consider that the three conditions would be met if the shower room window had obscured glazing and this can be added to the decision notice.

With regard to the proposed windows on the east/front elevation, new windows can be inserted into existing walls of dwelling under permitted development as Part 1 Class A of the GPDO allows the “enlargement, improvement or other alteration of a dwellinghouse” and is not caught by any of the tests in that part. The proposed windows would also therefore be

deemed to be permitted development without needing the submission of a full planning application. A new window is proposed in the existing gable and again, provided that this is obscured glazing it would also be PD.

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 or other alterations as shown in the drawings. 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 THE GRANT OF CERTIFICATE OF
LAWFULNESS**

Case Officer: Chris Johnston

Recommendation Date: 22.11.22

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council