DELEGATED DECISION REPORT

SMD/2023/0082 **Valid 14/02/2023**	**15 CEDAR CLOSE** **CHEADLE**	**LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED REAR CANOPY ATTACHED TO EXISTING DWELLING, PROPOSED DETACHED GARDEN STORAGE SHED, PROPOSED DETACHED GARDEN SUMMER HOUSE** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Consider whether the proposed rear canopy extension complies with Class A Permitted Development Rights and whether the outbuildings comply with Class E Permitted Development Rights.

DESCRIPTION OF SITE

A semi-detached, two-storey dwelling, sat within a rectangular shaped plot of land. Land levels at the rear of the house are generally flat. Boundaries are marked by timber fencing (the majority of which appears new) and stone walling. At the time of the site visit, the rear garden area had been cleared and hardstanding laid out. The dwelling forms part of a well-established residential area and sits close to the Cedar Close cul-de-sac head.

PROPOSAL

The application consists of three elements, a proposed rear canopy (attached to the house) and two outbuildings.

Canopy: Open-sided structure, constructed using steel support columns with a tiled roof (including roof lights).

Garden Store: Rectangular shaped footprint of 6.0m x 2.450m. Mono pitched roof (maximum height 2.5m) with upvc fascias and cedar cladding on all walls. The roof would be formed using a single-ply membrane and there would be a single window to the rear and wider, garage-type, outwards-opening doors at the front. The building would be positioned close to the boundary with number 13 Cedar Close.

Summer House: The building would be positioned close to the rear boundary and have a footprint of 6.8m x 5.0m. The plans show a shallow sloping roof, maximum height 2.5m and similar to the garden store it would have upvc fascias and cedar cladding walls. The front elevation of the summer house would mainly consist of floor-to-ceiling glazed doors. The plans do not show any windows on any of the other elevations.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The application is for a certificate of lawfulness and therefore Local and National Planning Policies cannot be applied. Determination of this application relates solely on whether the proposed extension and outbuildings comply with the domestic permitted development rights allowances within the General Permitted Development Order (2015) (as amended), Schedule 2, Part 1, Class A and Class E.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None.

OFFICER COMMENTS

For the purposes of assessing this application each of the structures will be assessed in turn against the criteria of the GPDO.

Class A – enlargement, improvement or other alteration of a dwellinghouse

Canopy

The General Permitted Development Order (2015) (as amended), Schedule 2, Part 1, Class A is the part of the GPDO to be considered in respect of a single-storey extension. The application dwelling is not a Listed Building and the site does not form part of any Conservation Area. There is no record of Permitted Development Rights being removed from this property.

The existing rear extension complies with the Class A allowances for the following reasons;
A.1
A) Dwelling is not formed as a result of a Part 3, Class M, N, P or Q application approval;

B) Extension does not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house). Noted that this application also proposes two outbuildings. The footprints of both outbuildings have been taken into consideration during assessment of this criteria.

For the purposes of clarification, at the time of the site visit there were no detached garden structures within the curtilage of the dwelling. The only structure in addition to the main two-storey dwelling, is a car port attached to the side of the house. There is no information to demonstrate this structure is an extension to the house. The applicant has confirmed (see email within file) that the car port was built at the same time as the house, he states that some of the houses had car ports and others had garages. For the purposes of Permitted Development calculations, it does not make any difference (at this time) whether the car port is classed as part of the original house or a later addition as the curtilage is large enough for the scheme to still comply with the 50% allowance.

C) Extension does not exceed the height of the existing house;

D) Extension eaves height does not exceed the eaves height of the existing house;

E) The extension does not extend beyond a principal elevation and does not front a highway and form a side extension;

F) This is a semi-detached dwelling. Extension would not be greater than 3.0m rear from the rear wall and does not exceed 4.0m high.

G) N/A

H) Does not relate to an extension greater than single storey in height;

I) Extension is within 2.0m of the boundary of the curtilage of the dwelling but the eaves height does not exceed 3.0m;

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

J.a. Not applicable as the proposed extension will not be joined to any previous addition.

K)
(i) Does not include provision of verandah, balcony or raised platform;
(ii) Does not relate to microwave antennas;
(iii) Does not relate to chimneys, flue, soil, vent pipes;
(iv) Does not relate to any alteration to the roof of the house;

L) The dwellinghouse is not built under part 20 of Schedule 2.

A.2. Not relevant as dwelling is not on Article 2(3) land.

A.3 Class A Conditions

A) The application contains no details regarding the tile type. For this reason it is recommended that in the event of a certificate being approved, the decision notice should make reference to the requirement for tiles of a similar appearance to the existing house.

B) Not relevant as there are no upper floor windows;

C) Not relevant as the extension is single-storey only.

A.4 Not relevant as this is a Certificate of Lawfulness application and not a Larger Homes notification.

Class E – buildings etc incidental to the enjoyment of a dwellinghouse

E.1(a). Garden Store and Summer house complies. Dwelling is not formed as a result of a Part 3, Class M, N, P or Q application approval.

(b) Garden store and summer house complies. Total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse). Noted that this application proposes outbuildings and rear extension. The footprints of both outbuildings and the extension have been taken into consideration during assessment of this criteria. Status of the car port is addressed earlier in the report, under Class A considerations.

(c) Garden Store and summer house complies. No part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

(d) Garden store and summer house complies. Neither of the buildings would have more than a single storey;

(e) the height of the building, enclosure or container would exceed—

(i) 4 metres in the case of a building with a dual-pitched roof. N/A as neither the Garden store nor the summer house would have a pitched roof.

(ii) Both the garden store and summerhouse are within 2.0m of the boundary of the domestic curtilage however neither would exceed 2.5m in height. Both buildings comply with this provision.

(iii) N/A for both buildings.

(f) Both buildings comply with this provision as neither has an eaves height of greater than 2.5 metres;

(g) Scheme complies. This is not the curtilage of a listed building.

(h) Both buildings comply as neither proposes inclusion of a verandah, balcony or raised platform;

(i) Scheme complies. The garden store and summer house are not extensions to the dwelling and the scheme does not relate to any microwave antenna;

(j) N/A as this proposal does not relate to a container.

(k) Scheme complies as the dwellinghouse is not built under Part 20 of this Schedule.

E.2. Not relevant as the dwelling is not within an AONB, the Broads, a National Park or World Heritage site.

E.3 Not relevant as the dwelling is not article 2(3) land.

CONCLUSION / PLANNING BALANCE

For the reasons outlined above it is recommended that the Certificate of Lawfulness is approved. The application site lies within a Coal Development area and therefore it is considered appropriate to make reference to this on the decision notice with a reminder to the applicant/developer.

OFFICER RECOMMENDATION : Approve.

Case Officer: Lisa Jackson
Recommendation Date: 07.07.2023.

X

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council