**DELEGATED DECISION REPORT**

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| **SMD/2023/0262**<br>**Valid 25/05/2023** | **26 THE GREEN**<br>**CHEADLE** | **APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR**<br>**PROPOSED SINGLE STOREY REAR EXTENSION WITH INTERNAL ALTERATIONS**<br><br>**(CERTIFICATE OF LAWFULNESS - PROPOSED)** |

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**MAIN ISSUES**
On the date of the application would the proposed development have been permitted by Class A, Part 1, Sched. 2 of the General Permitted Development Order and therefore immune from action and lawful.

**DESCRIPTION OF SITE**
Semi Detached Gabled roofed house occupying a point in a row of houses. It would appear to have been constructed circa 1900. The plot is generally rectangular shaped plot. There are house to either side and houses to the rear. .

**PROPOSAL**
To add a single storey mono pitched roof extension on to the rear of the property. The extension will appear to be attached to part of the original (1948) house and will be entirely inside the curtilage of this house.

Shown on the plans but not included in the description a rear facing first floor bedroom window will be turned into a into a Juliette Balcony, with a pair of patio doors. An existing side facing single door is turned into a double door
The material used in the proposed extension is not specified but the existing house is part brick and part render.

As the house appears to be clearly constructed before 1948 permitted development rights are assumed to be retained.

**SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

The site has no recent planning history.

**OFFICER COMMENTS**

*The section in Italics refer specifically to the Juliette balcony.*

**Part 1, Class A permits .**
**Permitted Development**

A. **The enlargement, improvement or other alteration of a dwellinghouse.**

**Development not permitted**
**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);**

Not the case for this application

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

Not the case

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

Not the case

**(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

Not the case

**(e)the enlarged part of the dwellinghouse would extend beyond a wall which—**
**(i)forms the principal elevation of the original dwellinghouse; or**
**(ii)fronts a highway and forms a side elevation of the original dwellinghouse;**

The enlargement does not do this.

**(f)subject to paragraph (g), 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 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
**(ii)exceed 4 metres in height;**

This is not the case

**(g) 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;**

This is not the case.

**(h)the enlarged part of the dwellinghouse would have more than a single storey and—**
**(i)extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
**(ii)be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension is only single storey. *The balcony does not extend the dwelling*.

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

Eaves height is less than 3m.

**(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 a single storey, or**
**(iii)have a width greater than half the width of the original dwellinghouse; or**

The extension is to the rear. *As is the balcony*

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

None of these are the case. *The juliette balcony is one without any floor space outside the existing house is not considered to be a balcony for this part of the legislation.*

**A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—**
**(a)it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
**(b)the enlarged part of the dwellinghouse would extend beyond a wall forming a side**
**elevation of the original dwellinghouse; or**
**(c)the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**

Not applicable as it is not in article 2(3) area.

**Conditions**
**A.3 Development is permitted by Class A subject to the following conditions—**
**(a)the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

**(b)any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—**
**(i)obscure-glazed, and**
**(ii)non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

**(c)where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

A3 (a) is the only part that applies and while it is not indicated in the application documents that the development will follow condition a for the development to be permitted development it must conform.

**CONCLUSION / PLANNING BALANCE**
The proposed development would be permitted by Class A, Part 1 of the GPDO. Subject to the provision of condition A3 (a).

**OFFICER RECOMMENDATION** : Approve

**Case Officer: Alan Lynch**
**Recommendation Date: 11/07/2023**

X B.J. Haywood

Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**