DELEGATED DECISION REPORT

SMD/2023/0380 **Valid 28/07/2023**	**9 DART CLOSE** **BIDDULPH**	**LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED SINGLE STOREY SIDE EXTENSION** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

Whether the proposed development is considered permitted development under the provision of 'The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)'.

DESCRIPTION OF SITE

The proposed site comprises a detached brick and tile dwellinghouse and its associated curtilage, situated in the Biddulph North ward. Additionally, the proposed site is within the Biddulph Development Boundary, where positive development is encouraged to be concentrated. The site is enclosed by neighbouring dwellinghouses on the North-West, South-East and South-West. No. 11 Dart Close is situated to the North-West of the site and No. 7 Dart Close is located to the South-East. The rear curtilage of the site adjoins the rear curtilage of No. 5A Thames Drive to the South-West. The Dart Close highway runs adjacent to the proposed site on the North-East.

It is noted that a number of properties within the estate have been extended and altered, however the established character of the original estate has been retained.

PROPOSAL

The application is for a proposed certificate of lawfulness for a proposed single storey side extension. The proposed extension would accommodate for an ensuite bathroom for a bedroom in the dwelling. The proposed extension would have a length along the South-East facing side elevation of the dwelling of approximately 2.9 metres and a width of 1.72 metres. It would have a maximum height of approximately 2.95 metres and a maximum eaves height of 2.08 metres measured externally from natural ground level. The extension would be constructed from materials which would match the materials used in the construction of the host dwelling, for instance facing brick and grey concrete tiles.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

N/A

CONSULTATIONS

Publicity
N/A

Public Comments
N/A

OFFICER COMMENTS

In conformity with the rules stated within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is necessary to assess whether the proposed side extension to the dwellinghouse adheres to the criteria stated by Schedule 2, Part 1, Class A of the GPDO, to determine whether the householder development is permitted.

Schedule 2, Part 1, Class A.1 (a) states that development is not permitted if the use of a dwellinghouse as a dwellinghouse changes. The side extension will be solely used as part of the living space of the residents to fully maintain its status as a dwelling, thus making it compliant under this criterion.

In accordance with Class A.1 (b) of the GPDO, the ground coverage of the building combined with the addition of the side extension would not exceed 50% of the total curtilage of the dwellinghouse.

Class A.1 (c) and (d) confirm that the height of the roof and eaves of the proposed extension cannot exceed beyond the maximum roof height and eaves height of the existing dwellinghouse; otherwise the development is not permitted. Neither the height of the roof or the eaves of the single storey extension would exceed the maximum roof or eaves heights of the existing dwellinghouse.

As the extension would not be constructed on the principal elevation of the dwelling, nor would it front the highway and form a side elevation of the existing dwellinghouse, this would be in compliance with Class A.1 (e.i) and (e.ii).

As the proposed extension is a side extension, Class A.1 (f) is not applicable. This is not an application under the larger extension procedure of the GPDO, therefore Class A.1 (g) does not apply.

The enlarged part of the dwellinghouse does not have more than a single storey and

therefore, Class A.1 (h) does not stand applicable to the proposed development.

With respect to Class A.1 (i), if the proposed extension would be positioned 2 metres from the curtilage boundary of the dwelling, the eaves height cannot exceed 3 metres. Thus, as the eaves height of the proposed extension would be 2.08 metres, the development would conform to this restriction.

Class A.1 (j) states that the enlarged part of the dwellinghouse cannot extend beyond a wall forming a side elevation of the original dwellinghouse, unless it abides by certain criteria. The proposed extension would extend beyond an original side elevation of the dwelling, therefore Class A.1 (j) would apply. The proposed extension would not exceed 4 metres in height, have more than a single storey, or have a width greater than half the width of the original dwelling. The width of the original dwelling is 8.72 metres and the width of the proposed extension is approximately 1.72 metres. Therefore, it would comply with the above permitted development criteria.

With regard to Class A.1 (ja), any total enlargement including the addition of further enlargements to existing enlargements, cannot exceed the 4 metre limit set out in Class A.1 (f). The total measurement of the proposed extension would not exceed 4 metres in depth, 4 metres in height or 3 metres to the eaves, therefore meaning that it accords with this provision.

The proposed extension would not include the addition of any new ornamentation features such as a verandah, microwave antenna, a chimney or flue or the alteration to the existing roof of the dwelling. Therefore, Class A.1 (k) is not applicable.

The proposed site does not fall within article 2(3) land, therefore Class A.2 does not apply.

The proposed development would be constructed from materials which would harmonise with the existing colours, textures and materials of the dwellinghouse. In accordance with Class A.3 (a), all proposed materials are set to be of a similar appearance to those used in the construction of the existing dwelling, including facing brick and grey concrete tiles.

Permitted development rights in relation to the proposed site remain intact.

CONCLUSION / PLANNING BALANCE

The proposed development is considered ‘permitted development’ under the provision of ‘The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)’. Thus, a Certificate of Lawfulness for the proposed development works can be granted based upon the evidence which architectural documentation provides.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Hollins
Recommendation Date: 22/09/2023

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council