DELEGATED DECISION REPORT

SMD/2023/0442 **Valid 25/08/2023**	**24 PARKLANDS ROAD** **UPPER TEAN**	**APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR GARAGE CONVERSION** **(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, render and tile dwellinghouse and its associated curtilage, situated in the Checkley ward. Additionally, the proposed site is within the Upper Tean Development Boundary, where positive development is encouraged to be concentrated. The site is enclosed by neighbouring dwellinghouses on the North-West and South-East. No. 22 Parklands Road is situated to the North-West of the site and No. 26 Parklands Road is located to the South-East. The rear curtilage of the site adjoins the curtilage of St Thomas Roman Catholic Primary School to the South-West. The Parklands Road 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 garage conversion. The proposed garage conversion would accommodate for a dining room and a utility room on the ground floor of the dwelling. The proposed garage conversion would be within the exact footprint of the existing garage, having a length along the South-East facing side elevation of the dwelling of approximately 5.3 metres and a width of 2.56 metres. The height of the existing garage would not change from a maximum height of approximately 2.74 metres measured externally from natural ground level (the garage has a flat roof). The alterations to the garage would be constructed from materials which would match the materials used in the construction of the host dwelling, for instance render and flat roofing material.

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 garage conversion 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 space made available as a result of the garage conversion would 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 would remain unchanged, as the garage conversion would be completed within the exact same footprint of the existing garage. Therefore, the development 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 development cannot exceed beyond the maximum roof height and eaves height of the existing dwellinghouse; otherwise the development is not permitted. The existing garage will not change in height to accommodate for the garage conversion. Thus, the height of the roof and the eaves of the garage would continue to not exceed the maximum roof or eaves heights of the existing dwellinghouse.

The garage conversion would be within the existing footprint of the building and would not extend further forward than the existing principal elevation. The alteration from the garage door to a window would run flush with the existing principal elevation of the dwelling. Therefore, the works are not considered to constitute development which extends beyond the principal elevation of the dwelling or development that fronts a highway and forms a side elevation of the original dwellinghouse. Thus, the garage conversion would be in compliance with Class A.1 (e.i) and (e.ii).

As the proposed works involve the conversion of an existing garage to the side of the dwelling, 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 garage conversion 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 development would be positioned 2 metres from the curtilage boundary of the dwelling, the eaves height cannot exceed 3 metres. The height of the garage would remain exactly the same as existing as a result of the garage conversion. Regardless, as the eaves height of the existing garage is approximately 2.74 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. Although the proposed garage conversion would be to the side of the dwelling, it would be completed within the footprint of the existing. No extension would occur as part of the proposed works. Therefore, Class A.1 (j) does not apply.

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 garage conversion would not constitute an enlargement to the dwelling as it would be within the exact footprint of the existing garage.

The proposed garage conversion 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 render and flat roofing material.

Permitted development rights in relation to the proposed site remain intact. It does not appear that any conditions are in place from previous planning permissions to restrict the garage from being converted.

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: 20/10/2023

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council