

DELEGATED DECISION REPORT

SMD/2023/0522
Valid 19/10/2023

13 OVERLAND DRIVE
BROWN EDGE

**APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR PROPOSED INTERNAL
ALTERATIONS AND
REMOVAL OF FRONT PORCH
WITH PROPOSED NEW
FRONT WINDOW**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Whether compliant with GPDO(2015) Schedule 2 Part 1 Class A

DESCRIPTION OF SITE

Detached bungalow in row of similar within the Brown Edge larger village development boundary. The dwelling has a modest plot size with narrow spacing to adjacent no. 15 on the north side. The dwelling is separated on its south side from no.11 by an access lane serving an electricity substation. The plot borders Green Belt farm land to the west.

The dwelling has a conservatory extension off the rear; there is a detached single garage to the rear south west corner. There is an attached flat roofed single storey side element which may be original perhaps first having served as a single garage.

PROPOSAL

The applicant's description of development is given as: "Proposed internal alterations and removal of front porch with proposed new front window". A revised plan has been submitted to omit use of timber cladding where the porch would be removed and instead to use brick to match the brick of the existing dwelling – which in fact they propose will be reclaimed from within the development due to the building re-modelling taking place.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

No policy considerations as the determination is contingent on the provisions of the GPDO(2015).

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

G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(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);

(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;

(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;

(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;

(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;

(g), for a dwellinghouse 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;

(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 being enlarged which is opposite the rear wall of that dwellinghouse;

(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;

(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

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

(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.; or
- (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

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.
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

82/10872/OLDDC – extension to form conservatory – approved – built

CONSULTATIONS

Publicity / Consultation

Publicity / Consultation – none as the determination is based on matter of legal fact.

OFFICER COMMENTS

Principle of Development

If the development proposed is found to be ‘permitted’, a lawful certificate can be issued.

Internal alterations are not ‘development’ and therefore are not relevant in the determination of a certificate for lawful proposed development. Building Regulation consent may be required and is not part of the consideration.

The proposed windows – one to each side elevation and noted as window 1 and window 2 on drawing PL(0)01 can readily be accepted as an alteration and one that would be permitted as the operation is not ruled out by any of the specified work listed as ‘Development not Permitted’ as set out above.

A.1 (e) rules out enlargement of the dwelling house where this would extend forward of the principal elevation of the original dwelling house or would extend a side

elevation which fronts a highway. An 'alteration' to the front elevation is not ruled out and the removal of the front porch is not an 'enlargement' and is therefore permitted.

The insertion of the window in place of the current door (behind the porch) in what would become the front elevation will also be an alteration permitted under Class A. The agent was advised that development under Class A is permissible subject to the materials used in any exterior work being of a similar appearance to the materials used in the construction of the exterior of the existing dwellinghouse. The proposed use of timber cladding would not meet this condition and therefore cannot be granted lawful certificate status. In response the agent has now re-specified their proposal saying the existing brickwork that is currently in the existing porch will have the plaster removed and be jet washed to look like the current brickwork on the front elevation. On this basis a lawful certificate can be issued to cover the removal of the porch.

The proposal also includes replacement double doors in the existing rear extension and it can be accepted this too would be a permitted alteration not ruled out by any of the items listed as Development not Permitted.

CONCLUSION / PLANNING BALANCE

The proposal is found to conform to the requirements of 'permitted development' – subject to the materials of the front wall behind the demolished porch being of similar appearance to the materials used in the construction of the exterior of the existing dwellinghouse and being brick as shown on the amended drawing PL(0)03 revision A. This precludes the use of timber cladding as was initially proposed but subsequently amended by e-mail dd 04.12.2023.

OFFICER RECOMMENDATION : **Lawful development certificate be granted**

Case Officer: Arne Swithenbank

Recommendation Date: 14.12.2023

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council