

DELEGATED DECISION REPORT

SMD/2023/0487
Valid 29/09/2023

**THE QUARRY OVERTON
ROAD
BIDDULPH COMMON
BIDDULPH**

**APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR -PROPOSED
DEMOLITION OF EXISTING
UPVC CONSERVATORY AND
REPLACEMENT WITH NEW
GARDEN ROOM EXTENSION
TO REAR ELEVATION,
REPLACEMENT OF EXISTING
ROOF COVERING TO MATCH
EXISTING, REPLACEMENT OF
EXISTING UPVC WINDOWS
WITH POWDER COATED
ALUMINIUM, REFER TO
DRAWINGS**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

Whether or not a proposed rear extension to a dwelling can be built in accordance with the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Part 1, Class A and therefore be deemed to be “permitted development” not requiring the submission of a full planning application.

DESCRIPTION OF SITE

The site is in the countryside to the north of Biddulph and lies on the east side of Overton Road. It comprises a detached dwelling with hipped pitched tiled roof and a mix of wall finishes including brown painted vertical timber cladding, stone and white/cream render. The dwelling is split level due to the upward slope of the land towards the east. The dwelling is set back considerably from the road, reached via a sloping and winding driveway leading up to the front elevation of the house and a parking area to the front of it. The dwelling could be described as a part single-storey part two-storey dwelling with all of the habitable accommodation on the upper floor above garaging and a utility room and storage space in the middle section of the dwelling. There is an adjacent neighbouring dwelling to the north of the front garden which is much closer to the road than the dwelling on site and can be seen from the front windows of the dwelling on site, to the north-west of it. The rest of the land surrounding the site is open. The site is in the Green Belt.

PROPOSAL

This is an application for a Lawful Development Certificate for a proposed development, in this case a single-storey extension projecting 2.8m from an original part of the rear wall of the upper storey of the dwelling and which would replace a conservatory in the same position. This would be over part of the lower ground floor of the dwelling and would overhang it by about 1m to the side, with this part supported by two posts. The extension would be timber clad to match the existing dwelling. It would have a flat roof with a lantern above.

Amended plans were received to show the two supporting posts.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Not relevant. The application for a certificate is to be determined against the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

There is a concurrent full planning application for a detached garage submitted under the ref: SMD/2023/0533.

There is 2000 planning permission for the existing conservatory.

There appear to be no previous extensions to the dwelling and the current footprint is consistent with what is shown on a 1922 OS map, provided with the above 0533 application.

CONSULTATIONS

N/A

OFFICER COMMENTS

The applicant is attempting to gain a certificate of lawfulness for the extension which would confirm that it can be built and provided without needing planning permission (i.e would be "permitted development"). The lawfulness of the development (and whether or not this can be deemed to be "permitted development" which does not need planning permission) would be determined against Schedule 2, Part 1 ("Development within the curtilage of a dwellinghouse") Class A ("enlargement, improvement or other alteration of a dwellinghouse) of Schedule 2 of the General Permitted Development Order (2015) (GPDO) (as amended).

I am satisfied that the extension conforms with the particular criteria/tests in Part 1 Class A in terms of the dimensions and siting of the extension. For example, regarding the tests affected by the proposal, it would not lead to more than 50% of the land around the house, within the curtilage being taken up by development and therefore conforms with Class A (a). It would not exceed the ridge or eaves height of the existing house in compliance with Class A (c and d). It would not exceed a

projection of 4.0 metres from an original rear wall. It would not exceed a height of 4.0m if measured from the patio area immediately adjoining the existing conservatory which would be replaced by the proposed extension. This would comply with Class A (f) which relates to single-storey extensions.

However, the proposed extension would adjoin an existing rear projection below it on the lower ground floor. Part of the proposed extension would be directly above it. Furthermore, the proposed extension would overhang this existing lower part (which contains a store and WC) and this overhang part would be supported by posts attached to a hardstanding level with the lower ground floor of the dwelling. Furthermore, the drawings show a new replacement side wall of the store and WC which would also adjoin the proposed extension above it. The proposed extension would therefore be deemed to be a "two-storey enlargement of the house" and would therefore also need to comply with Class A criterion (h). This requires such an extension to not project more than 3.0 metres from an original rear wall and not be within 7.0 metres of any boundary facing the proposed rear wall of the extension. Both the proposed extension and the existing store and WC below it both have projections of 2.8m, less than the 3.0m maximum. Neither would be within 7.0m of any boundary of the residential curtilage. The proposal would therefore comply with Class A (h).

The rest of the test in Class A do not apply to the proposal which is solely for a rear extension and the site is not in a Conservation Area.

The proposed extension would therefore be deemed to be permitted development in accordance with the conditions outlined in Class A(3). These require the finishing materials be similar to those of the existing house, where there are side windows they must be obscured glazed (no side windows are shown on the proposed extension) and as far as practicable, the proposed roof pitches must be same angle as those existing. In this case, the proposed materials would be timber, which matches the existing dwelling. The roof is flat and so as far as practicable this test does not apply. There would be two side windows and the drawings do not show obscured glazing. However, it can be stipulated on the decision notice that obscured glazing must be added to those side windows in order for the extension to comply with the conditions in A3 and be deemed to be lawful in accordance with Part 1 Class A.

CONCLUSION / PLANNING BALANCE

The proposed works would comply with Part 1 Class A of Schedule 2 of the GPDO and therefore a full application for planning permission is not required for the proposed extension. The works are therefore be deemed to be permitted development that can be built without planning permission and a Certificate of Lawfulness can therefore be granted for the proposal.

OFFICER RECOMMENDATION : APPROVE GRANT OF CERTIFICATE

Case Officer: Chris Johnston

Recommendation Date: 11.12.23

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council