

DELEGATED DECISION REPORT

SMD/2024/0071
Valid 09/02/2024

201 PARK LANE
KNYPERSLEY

**LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED CONVERSION OF
ROOF SPACE TO BEDROOM,
PROPOSED SINGLE STOREY
REAR EXTENSION,
PROPOSED PITCHED ROOF
OVER EXISTING SINGLE
STOREY STRUCTURE TO
REAR**

**(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 semi-detached brick, pebble dash and tile dwellinghouse and its associated curtilage, situated in the Biddulph South ward. Additionally, the proposed site is on greenbelt land, where development is more restricted. The site is enclosed by neighbouring dwellinghouses on the East and West. No. 203 Park Lane is situated to the East of the site and No. 199 Park Lane is located to the West. The rear curtilage of the site adjoins an area of open greenbelt land to the North. The Park Lane highway runs adjacent to the proposed site on the South.

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 proposed development comprises a single storey rear extension including a roof replacement of the original utility room outrigger, as well as a rear dormer extension. The single storey rear extension would project beyond the rear elevation of the dwelling by approximately 3.0 metres and would have a width of 2.74 metres. It would have a maximum height of 4.0 metres and an eaves height of 2.40 metres. The proposed rear dormer extension would have a simple flat roof, having a height

of 2.25 metres. It would protrude beyond the rear roof plane of the dwelling by 3.82 metres and would have a width of 5.06 metres. The proposed extensions would be constructed from materials including facing brick and clay tiles.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

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

Permitted development rights for householders: Technical Guidance

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HNT/2023/0023 – Application to determine if prior approval is required for a proposed: Single storey rear extension measuring 6m beyond the rear wall of the original dwelling, 4m maximum height and 2.5m height to eaves. Withdrawn.

CONSULTATIONS

Publicity

N/A

Public Comments

N/A

OFFICER COMMENTS

Having regard to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is necessary to assess whether the proposed rear extension and rear dormer extension to the dwellinghouse adhere to the criteria stated in Schedule 2, Part 1, Class A and Schedule 2, Part 1, Class B of the GPDO, to determine whether the householder development is permitted.

Rear Extension

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 rear 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 rear extension would not exceed 50% of the total curtilage of the dwellinghouse.

Class A.1 (c) and (d) state that the height of the roof and eaves of the proposed extension cannot exceed 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).

Under Class A.1 (f), the dimensions of the proposed development are within those permissible. With a maximum height of 4.0 metres and a depth of 3.0 metres measured externally, the extension would be within the 4 metre height limit and fit within the 3 metre projection limit on semi-detached dwellinghouses.

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) is not 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 2.36 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. I note that there is an original single storey outrigger to the rear of the dwelling, labelled as a utility room on the existing plans. An existing conservatory extension sits on the side elevation of the original utility room outrigger, protruding beyond the side elevation of the dwellinghouse. The proposed extension would extend beyond the opposite original side elevation of the utility room outrigger. The existing lean to roof would be replaced with a pitched roof over the top of the original utility room outrigger and the proposed extension.

The proposed extension would not exceed 4 metres in height or have more than a single storey in compliance with Class A.1 (j). However, as a replacement area of roof would connect the original outrigger and proposed extension together, this would be considered as a total enlarged area. Therefore, the proposed extension combined with the proposed enlargement to the roof of the original outrigger and the existing conservatory extension would exceed half the width of the original dwellinghouse, breaching Class A.1 (j.iii).

With regard to Class A.1 (ja), any total enlargement including the addition of further enlargements to existing enlargements, cannot exceed the limits set out in Class A.1 (e-j). The proposed extension would not exceed the 3 metre depth limit on semi-detached dwellinghouses, the 4 metre height restriction or the 3 metre eaves height restriction. However, the proposed extension combined with the proposed roof

replacement of the original outrigger and the existing conservatory extension would comprise one total enlarged area, breaching Class A.1 (j.iii) and (ja).

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 match those used in the construction of the existing dwelling, including facing brick and clay tiles.

Dormer Extension

Schedule 2, Part 1, Class B.1 (a) states that development is not permitted if the use of a dwellinghouse as a dwellinghouse changes. The dormer 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.

The dormer extension to the rear of the dwelling would not exceed the height of the highest part of the existing roof. Therefore, this alteration would comply with Class B.1 (b).

The proposed dormer extension would be to the rear of the dwelling and would not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway. Thus, the dormer extension would not conflict with Class B.1 (c).

The cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 50 cubic metres, meaning that Class B.1 (d) would be complied with.

The dormer extension would not consist of or include the construction or provision of a verandah, balcony or raised platform, or the installation, alteration or replacement of a chimney, flue or soil and vent pipe. This remains in compliance with Class B.1 (e).

As the site is not located on article 2(3) land, Class B.1 (f) is not applicable.

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 B.2 (a), all proposed materials are set to match those used in the construction of the existing dwelling, including clay tiles.

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

CONCLUSION / PLANNING BALANCE

The proposed development is not 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 cannot be granted based upon the evidence which architectural documentation provides.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Hannah Varley

Recommendation Date: 10/04/2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council