

DELEGATED DECISION REPORT

SMD/2024/0389
Valid 23/08/2024

52 NAB HILL AVENUE
LEEK

**LAWFUL DEVELOPMENT
CERTIFICATE FOR A PROPOSED
REPLACEMENT
CONSERVATORY WITH
EXTENSION TO LOUNGE AREA
AND NEW UTILITY AREA**

**(CERTIFICATE OF LAWFULNESS
- PROPOSED)**

MAIN ISSUES

- Consider whether the proposed works comply with Permitted Development Rights.

DESCRIPTION OF SITE

The dwelling is a detached, two-storey, hipped roof dwelling sat within a rectangular-shaped plot of land on the northern side of Nab Hill Avenue. There is parking at the front of the house and a good sized patio and garden at the rear. Boundaries are marked by fencing and planting and there are no significant land level changes in the area of the proposed extension.

The application site is within the Leek Town Development Boundary. It is not within any Conservation Area and there are no Listed Buildings which need to be considered.

PROPOSAL

This is an application for a Certificate of Proposed Lawful Development for the demolition of a conservatory and its replacement with a flat roof extension to form a utility/cloak room and larger lounge area. Internal access would be via the living room and kitchen. The extension would block the outside door at the rear of the kitchen therefore a new external door would be inserted within the side wall. There would be a roof lantern above the new living room space and outwards opening French doors would allow access to the rear garden/patio area. The plans show a parapet roof and also clarify that the extension would be constructed using brickwork to match that of the existing house.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The application is for a certificate of lawfulness and therefore Local and National Planning Policies cannot be applied. Determination of this application relates solely to whether the proposed extension complies with the domestic permitted development rights allowances within the General Permitted Development Order (2015) (as amended), Schedule 2, Part 1, Class A.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2016/0076 Two-storey front extension. Approved.

CONSULTATIONS

Publicity

Site Notice. Expired.

Public Comments

No representations received during the statutory consultation period.

OFFICER COMMENTS

The proposed works fall within the realms of Schedule 2, Part 1, Class A of the General Permitted Development Order. A planning history search of the property has not shown the removal of any Permitted Development Rights.

The proposal complies with Class A for the following reasons:

A.1

A) Dwelling is not formed as a result of an application approved under Part 3 Class G, M, MA, N, P, PA or Q.

B) Extension does not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);

C) Extension does not exceed the height of the existing house;

D) Extension eaves height does not exceed the eaves height of the existing house;

E) The extension does not extend beyond a principal elevation and does not front a highway and form a side extension;

F)(i). This is a detached dwelling. The extension projects approximately 3.5m from the original rear wall of the house, reducing to approximately 2.6m at the utility/cloakroom extension. This is well within the 4.0m projection allowance for a detached dwelling.

(ii) Extension has a height of approximately 3.2m, therefore complies with the height allowance of up to 4.0m.

G) the proposed extension does not fall within the Larger Homes notification allowances.

H) Does not relate to an extension greater than single storey in height;

I) The extension is within 2.0m of the boundary of the curtilage of the dwellinghouse. The architect has provided a further plan (Cross Section) to give a more accurate measurement of height. The extension is 2.999m high. As the roof has a parapet design, consideration is given to the guidance set out within the 'Permitted Development Rights for Householders; Technical Guidance' (September 2019) which states that 'the height is measured from the ground level at the base of the outside wall to the point where that wall would meet the upper surface of the flat roof, the overhang and the parapet wall should be ignored for the purposes of measurement.' The scheme therefore complies with this regulation.

J) The extension is not a side extension.

(j.a). Not applicable as the proposed extension will not be joined to any previous addition.

K) (i) Does not include provision of verandah, balcony or raised platform;

(ii) Does not relate to microwave antennas;

(iii) Does not relate to chimneys, flue, soil, vent pipes;

(iv) Does not relate to any alteration to the roof of the house;

L) The dwellinghouse is not built under part 20 of Schedule 2.

A.2. Not relevant as dwelling is not on Article 2(3) land.

A.3 Class A Conditions

(a) Complies. The plans have been amended to remove reference to any window materials. The Certificate is therefore flexible for the applicant to chose windows to match the house at the time of constructing the rear extension.

(b) Not relevant. Application does not include any upper floor windows in a wall or roof slope forming a side elevation.

(c) Not applicable. Extension is single storey only.

A.4 Not relevant as this is a Certificate of Lawfulness application and not a Larger Homes notification.

CONCLUSION / PLANNING BALANCE

For the reasons outlined above it is recommended that the Certificate of Proposed Lawful Development is approved.

OFFICER RECOMMENDATION : Approve. Is permitted development.

Case Officer: Lisa Jackson

Recommendation Date: 02.10.2024

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council