

DELEGATED DECISION REPORT

SMD/2024/0179
Valid 15/04/2024

97 PARK LANE
KNYPERSLEY

APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR -
PROPOSED ROOF
ALTERATIONS + SINGLE
STOREY REAR EXTENSION

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether the proposal is lawful and complies with Class A and Class B of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

DESCRIPTION OF SITE

The site is a semi-detached, two storey red brick dwelling house, with a hipped tile roof. the site is set back from the road and the site backs onto allotments to the rear. The site is not Listed or within a Conservation Area, and is in a suburban setting within the Biddulph Development Boundary. As the site has no planning history, and given the obvious age of the property it is assumed that the Permitted Development Rights of the site are intact.

PROPOSAL

The proposal is for the demolition of an existing single storey rear outrigger, to be replaced with a single storey rear lean-to extension, to be built with materials to match the existing. The proposal will also introduce a rear flat roofed dormer, and a hip to gable conversion. The proposal will also insert a new window on the side elevation of the property at ground floor level next to an existing doorway.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

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

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- None.

CONSULTATIONS

Publicity

N/A

OFFICER COMMENTS

The proposal will be assessed against the relevant Part and Classes of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), in order to determine if the proposed works comply, and therefore would constitute Lawful Development.

Class A and Class B of Part 1 of Schedule 2 are the relevant sections of the GPDO which will be assessed.

Class A – enlargement, improvement or other alteration of a dwellinghouse.

Permitted Development:

A. The enlargement, improvement or other alteration of a dwellinghouse.

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); **the proposal complies.**

(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); **the proposal complies.**

(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; **the proposal complies.**

(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;

the proposal complies.

(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 **the proposal complies.**

(ii) exceed 4 metres in height; **the proposal complies.**

(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; **the proposal complies.**

(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; **the proposal complies.**

(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; **the proposal complies.**

(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; **the proposal complies.**

(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); **the proposal complies.**

(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 **the proposal complies.**

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses). **The proposal complies.**

The dwellinghouse is not on Article 2(3) land.

Class B – additions etc to the roof of a dwellinghouse

Permitted development:

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development not permitted:

B.1 Development is not permitted by Class B 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); **the proposal complies.**

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof; **the proposal complies.**

(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway; **the proposal complies.**

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case; **the proposal complies – the proposal would be 48.54m³.**

(e) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or **the proposal complies.**

(f) the dwellinghouse is on article 2(3) land **The dwellinghouse is not on Article 2(3) land.**

(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).; **the proposal complies.**

Or

(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys). **the proposal complies.**

Other Matters

In support of the opinion above, the Council have reviewed a number of appeal decisions (Refs: 3288837; 3271047; 3303943; 3296636; and 3258836) where Inspectors considered proposals that included a hip to gable and installation of a dormer can be carried out cumulatively.

In appeal decision 3288837 the Council had taken the view that the works had gone beyond what could be reasonably considered to be an “addition or alteration”. The Inspector observed that *“The GPDO does not define addition and alteration and it therefore follows whether the proposal amounts to an addition or alteration is a matter of fact and degree”*. Going on to observe that *“It seems to me that a hip to gable enlargement would almost always result in what could be termed remodelling of a roof, in that the form is changed.....given the extent of the existing roof and its supporting structure that would be retained, I find that the proposed development*

would constitute an addition or alteration". As the proposals fell within the parameters of Class B the proposals were considered to be permitted development.

A number of the other appeal decisions included extensive works to the roof, including cumulative hip to gable and rear dormers. While the issue of contention in those other appeal decisions was not whether the works could be carried out together, they do show that such works, provided that they fall within the limitations of Class B, are permitted development.

CONCLUSION / PLANNING BALANCE

The proposal has been found to comply with relevant Parts and Classes of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and therefore the proposal is lawful and permitted development.

OFFICER RECOMMENDATION : **Approve**

Case Officer: Reuben Berriman

Recommendation Date: 12/06/2024

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council