|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | |
| **Signed:** | **Officer:** | EP | | | | **Date:** | 27/01/2023 | **Manager:** | | SK | | **Date:** | 31.02.23 |
|  | | | | | | | | | | | | | |
| **Application Ref:** | | | 3/2022/1145 | | | | | |  | | | | |
| **Date Inspected:** | | | N/A | | | | | |
| **Officer:** | | | EP | | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | **Decision** | | **APPROVAL** | | |
|  | | | | | | | | | | | | | |
| **Development Description:** | | | | | Certificate of lawfulness for a proposed single storey rear extension and dormer window to rear roof slope. | | | | | | | | |
| **Site Address/Location:** | | | | | Demesne House Settle Road BB7 4JF | | | | | | | | |
|  | | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | **Parish / Town Council** | | | | | | | | |
| N/A | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | | |
| **LCC Highways:** | | | | | N/A | | | | | | | | |
|  | | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | **Additional Representations.** | | | | | | | | |
| N/A | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | |
| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | | | | | | | | | |
| The proposal is assessed against the provisions of Schedule 2, Part 1, Class A and Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). | | | | | | | | | | | | | |
| **Relevant Planning History:**  **3/2022/0556:**  Proposed demolition of existing detached outbuildings and erect a new single storey family annexe building. (refused)  **3/2022/0635:**  Proposed alterations and extensions to include single storey rear extension, two storey porch extension to front and roof space to be converted for a bedroom with balcony to the rear. (refused) | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | |
| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The proposal relates to a detached property in Newsholme positioned within an area of open countryside. The surrounding dwellings are both residential and agricultural. The dwelling in question consists of rendered external walls, blue slate roof and PVC double glazed windows. | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  This is an application for a Certificate of Lawfulness for a rear single storey extension and a rear dormer extension. | | | | | | | | | | | | | |
| **Principle of Development:**  The application seeks to determine whether the proposal requires planning consent. | | | | | | | | | | | | | |
| Assessment of proposal in relation to the provisions of Schedule 2, Part 1, Class A and Class Bof the Town and Country Planning (General Permitted Development) (England) Order 2015:  In order to be permitted development, the proposal needs to satisfy a number of criteria as comprised in Schedule 2, Part 1, Class A and Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the enlargement, improvement or other alteration of a dwellinghouse.  **Class A**  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 M, N, P or Q of Part 3 of this Schedule (changes of use);    **Permission for use as a dwellinghouse was not granted by virtue of class M, N, P or Q of Part 3.**  (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 single storey extension would not exceed 50% of the total area of curtilage of the property.**  (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;  **The height of the proposed single storey extension would not exceed the height of the existing dwelling.**  (d) the height of the eaves of the part of the dwelling house enlarged or improved or altered would exceed the height of the eaves of the existing dwelling house;  **The height of the eaves of the proposed extension would not 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;  **The proposed single storey extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse or fronts a highway and forms a side elevation of the original dwellinghouse.**  (f) subject to paragraph (g), the enlarged part of the dwelling house would have a single storey and –  (i) extend beyond the rear wall of the original dwelling house by more than 4 metres in the case of a detached dwelling house or 3 metres in the case of any other dwelling house, or  (ii) exceed 4 metres in height;  **The proposed single storey extension would extend beyond the rear wall of the original dwellinghouse by 3.6 metres and measure 2.7 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;”  **N/A**  h) the enlarged part of the dwelling house would have more than a single storey and –  (i) extend beyond the rear wall of the original dwelling house by more than 3 metres, or  (ii) be within 7 metres of any boundary of the curtilage of the dwelling house opposite the rear wall of the dwelling house;  **The proposed rear extension would be single storey.**  (i) the enlarged part of the dwelling house would be within 2 metres of the boundary of the curtilage of the dwelling house, and the height of the eaves of the enlarged part would exceed 3 metres;  **The proposed single storey extension would be within 2 metres of the boundary of the curtilage of the dwellinghouse and the height of the eaves does not 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 one storey, or  (iii) have a width greater than half the width of the original dwellinghouse; or  (k) it would consist of or include—  (i) the construction or provision of a veranda, 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.  **The proposed single storey extension would not extend beyond a wall forming a side elevation of the original dwellinghouse and would not consist of or include any of the above criteria.**  Conditions  A.3 Development is permitted by class A subject to the following conditions  (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;  **The proposed single storey extension will be rendered to match the existing dwelling.**  **Class B**  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 M, N, P or Q of Part 3 of this Schedule (changes of use);    **Permission for use as a dwellinghouse was not granted by virtue of class M, N, P or Q of Part 3.**  (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 proposed development would not exceed the highest part of the existing roof.**  (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 proposed development would not extend beyond the plane of an existing roof slope which forms the principal elevation of the dwellinghouse.**  (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 application site is a detached dwelling and the total cubic content created by the development would be below 50 cubic metres.**    (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 development would not consist of any of the above.**  (f) the dwellinghouse is on article 2(3) land.  **The dwelling is not sited on article 2(3) land.**  Conditions  B.2 Development is permitted by Class B subject to the following conditions—  (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;  **The proposed dormer would be detailed in dark grey glass fibre which is similar in appearance to the original roofscape.**  (b) the enlargement must be constructed so that—  (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves;  **The 0.2m requirement has been satisfied.**  **The proposal meets the above criteria to be classed as permitted development**. | | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  The proposed works constitute permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 1, Class A and Class B. | | | | | | | | | | | | | |
| **RECOMMENDATION**: | | | | To approve the application for a Certificate of Lawfulness. | | | | | | | | | |