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| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | | |
| **Signed:** | **Officer:** | **LW** | | | | **Date:** | | **03/07/23** | | **Manager:** | |  | **Date:** |  |
|  | | | | | | | | | | | | | | |
| **Application Ref:** | | | | 3/2023/0393 | | | | | | |  | | | |
| **Date Inspected:** | | | | N/A | | | **Site Notice:** | | N/A | |
| **Officer:** | | | | LW | | | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | | | **APPROVAL** | | | |
|  | | | | | | | | | | | | | | |
| **Development Description:** | | | | | Certificate of Lawfulness for a proposed single storey rear extension. | | | | | | | | | |
| **Site Address/Location:** | | | | | 59 Mellor Brow, Mellor, BB2 7EX | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Parish/Town Council** | | | | | | | | | |
| N/A | | | | | | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | | | |
| **LCC Highways:** | | | | | N/A | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Additional Representations.** | | | | | | | | | |
| N/A | | | | | | | | | | | | | | |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | | | | | | | | | | |
| Schedule 2 Part 6 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). | | | | | | | | | | | | | | |
| **Relevant Planning History:**  3/2022/1055: Proposed front porch and front dormers with external material changes (Approved)  3/1992/0385: Change of use from agricultural to domestic garden (Approved)  6/9/2448: Proposed detached house at Mellor Brown, Mellor (amendment to permission 6/9/2418) (Approved)  6/9/2418: Proposed detached bungalow at Mellor Brow, Mellor (Approved) | | | | | | | | | | | | | | |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The application relates to a detached property at no.59 Mellor Brow, located approximately 270m to the west of the defined settlement area of Mellor. The application site lies within a small cul-de-sac of 4no. dwellings which are set back from the highway of Mellor Brow. The application property features an offset ridge to the roof, facilitating first floor rooms at the rear of the property, and consists of brickwork with concrete tiles to the roof and uPVC windows and doors. The site has also recently been granted permission for the construction of a front porch and front dormers with external materials changes including the rendering of the property, with brick detailing being retained within elements of the side elevation and brick also to face the proposed porch. The site lies within designated Green Belt but that aside benefits from no other designation or constraint. | | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  The proposal relates to a Certificate of Lawfulness for a proposed single storey rear extension.  The proposed development would project 3m from the rear elevation of the dwellinghouse and have a width of approximately 10.5m, extending the full width of the property. A lean-to roof design would be featured which would measure 2.6m to the eaves and 3.8m to the ridge and would include the installation of 5no. roof lights. To the rear elevation, a set of bi-fold doors would be installed along with a single door and 1no. window.  In respect of materiality the proposed development would be constructed to match the existing property, including matching brickwork, concrete roof tiles and white uPVC windows and doors. | | | | | | | | | | | | | | |
| **Other Matters:**  Assessment of the proposal in relation to the provisions of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended):  In order to be permitted development, the proposed development needs to satisfy a number of criteria as comprised in Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for 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);  **Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, P, PA 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 total area of ground covered by buildings would not exceed 50% of the total area of the curtilage of the dwellinghouse.**  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 extension would not exceed the height 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 eaves height of the proposed extension would not exceed the eaves height 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 extension would not extend beyond the principal elevation or front a highway and extend beyond a side elevation of the original dwellinghouse.**  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  (ii) exceed 4 metres in height;  **The proposed rear extension would not extend more than 4m from the rear elevation of the dwellinghouse and would not exceed 4m 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 detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or  (ii) exceed 4m in height;  **The proposal does not relate to a larger home extension.**  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 proposed extension would not have more than a single storey.**  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 proposed extension would not be within 2m of the boundary of the curtilage and the height of the eaves would measure 2.6m.**  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 proposed extension would not extend beyond a wall forming a side elevation.**  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);  **N/A**  k) it would consist of or include –  (i) the construction or provision or 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 proposed development would not consist of or include any of the above.**  l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).  **The dwellinghouse is not built under Part 20.**  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 extension would be finished in materials to match the existing property, including matching brickwork, concrete roof tiles and uPVC windows and doors.**  b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be –  (i) obscure-glazed, and  (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and  **No upper floor windows in a wall or roof slope forming a side elevation of the property are proposed.**  c) where the enlarged part of the dwellinghouse has more than a single storey or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.  **The proposed development would not be more than a single storey.** | | | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  The proposed development constitutes permitted development under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to the conditions outlined in A.3 of this Part.  As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for approval. | | | | | | | | | | | | | | |
| **RECOMMENDATION**: | | | That the Certificate of Lawfulness be granted. | | | | | | | | | | | |