

Erection of extension to 6, Brettas Park, Monk Bretton

The enlargement of the dwellinghouse as proposed constitutes permitted development under The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Development within the curtilage of a dwellinghouse, Class A. Development is not permitted by Class A if it contravenes any of the requirements set out in a to i in the schedule. However,

a) the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage

(b) the height of the part of the dwellinghouse enlarged would not exceed the height of the highest part of the roof of the existing dwellinghouse;

(c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse;

(d) the enlarged part of the dwelling house would not extend beyond a wall which—

(i) fronts a highway, **and**

(ii) forms either the principal elevation or a side elevation of the original dwelling house;

Correspondence with the Council shows that they consider the proposal fails on this count. It is accepted that the extension projects beyond the principle elevation. However, while it projects beyond the principle elevation of the house, exclusion (d) only applies if the wall both fronts a highway and is the principle elevation. It is not whether the extension itself faces a highway, but whether the wall beyond which the extension projects faces a highway. Clearly it does not as the wall of the principle elevation is at right angles to the highway and faces the rear garden of 8 Brettas Park. The extension also projects in front of the side wall facing the rear boundaries of 55 and 57, Newhill Road.

The view that the proposed extension meets the requirements of d) is supported by advice in “Changes To Householder Permitted Development, - Informal Views From Communities And Local Government”, issued on 1st October 2008. It includes the following question and answer:

Q Some houses (e.g. on backland plots, on farms or in barn conversions) do not front any highway

A There could be a principal elevation that does not front a highway, but the question is largely academic given that the restrictions are in terms of a principal elevation that **also** fronts a highway.

Further advice is included in “Permitted development for householders, Technical guidance” issued in August 2010 by the Department for Communities and Local Government. It states:

“This restriction means that any development that is in front of a principal or side wall that fronts a highway will require an application for planning permission.

In most cases, the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.”

To continue with the restrictions:

e) the enlarged part of the dwellinghouse would be single storey and would not

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 Metres, or

(ii) exceed 4 metres in height (it would be 3.9m to the ridge)

(f) the enlarged part of the dwellinghouse would not be more than one storey

(g) while the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, the height of the eaves of the enlarged part would not exceed 3 metres (proposed eaves height 2.7m)

(h) while the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, it would—

(i) not exceed 4 metres in height,

(ii) not have more than one storey, and

(ii) not have a width greater than half the width of the original dwellinghouse (dwellinghouse 10.8m wide, extension 4.2m).

(i) it would not consist of or include any of the developments listed here.

Thus for the reasons set out above the proposed extension shown on the attached drawings is considered to be permitted development in accordance with The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.