
Application: 2023/0953

Type: Lawful Development Certificate

Applicant: Mr T Palicki

Site Address: 1 Primrose Avenue, Darfield, Barnsley S73 9QL

Proposal: Certificate of Lawfulness for proposed development of freestanding shed

Location & Property Description

The estate the applicant dwelling is located was constructed in the 1950's and was subject to estate refurbishment in the 1990's, which included the removal of dwellings from Primrose Avenue. It is unclear as to the age of the dwelling, although a comprehensive refurbishment or 1990's construction would appear coherent with its design. The dwelling itself is an end terrace, at the bottom of the terrace row of six houses; with each dwelling setback from its neighbour as it rises up Primrose Avenue. At the top and rear of the lefthand side of Primrose Avenue, where the application dwelling is sited, is an open area of green space, currently used as recreational space. Dwellings on Upperwood Road, which border the rear (side) garden of the application dwelling are sited at a lower level with a high (on the Netherwood side) boundary wall.

The three-bedroom weathered buff brick coloured dwelling with a brown tiled side gable roof features a small, landscaped front and rear garden. The landscaping features of the front garden includes a ramp to reach the front door, which is set higher than the street level. The rear garden is also stepped with a large area of hardstanding, the location for a proposed conservatory and a higher level lawned area, reached by steps, which will be the location of the proposed shed. A relatively large tree is also currently situated in lawned area of the rear garden.

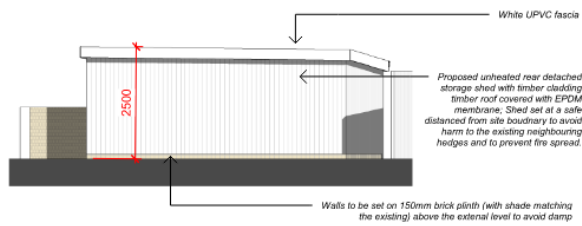
Proposed Development

The proposal development is in relation to the dwelling and its curtilage at 1 Primrose Avenue, Darfield, Barnsley S73 9QL and consists of a reasonably large freestanding shed.

- Maximum Height: 2.5m (within 2m of boundaries)
- Area 29 sqm (Existing curtilage excluding house & buildings 152.2sqm)

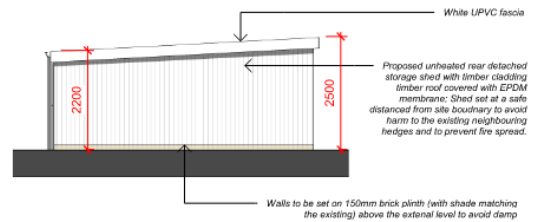
The applicant has submitted the following plans in support of their LDC application:

0323-MIU-ZZ-ZZ-DR-A-P201 Location & Existing Site Plan, 0323-MIU-ZZ-ZZ-DR-A-P202 Shed - Proposed Plan & 0323-MIU-ZZ-ZZ-DR-A-P203 Shed- Proposed Elevations, Extracts of which are below.



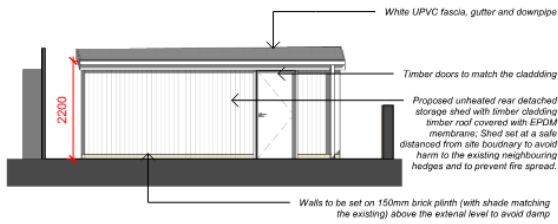
D - North Elevation - Shed

1 : 100



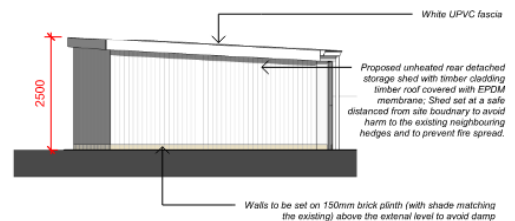
E - East Elevation - Shed

1 : 100



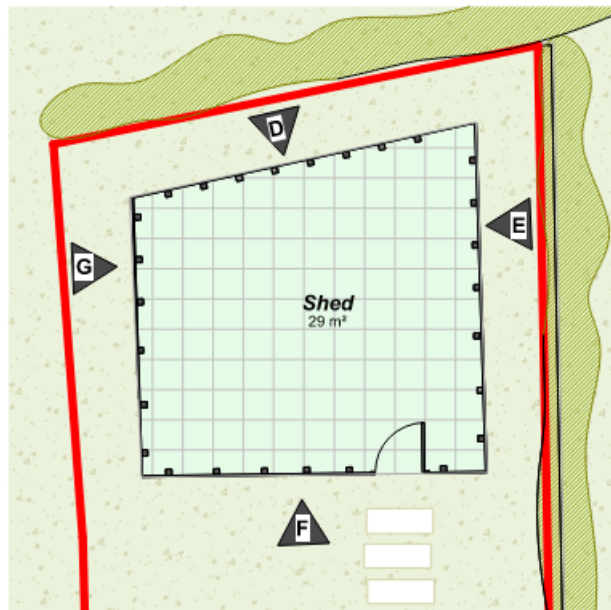
F - South Elevation - Shed

1 : 100



G - West Elevation - Shed

1 : 100



Planning History:

2023/0956: Erection of single storey rear extension projecting out 4.2m, with an eaves height of 2.5m and an overall height of 3.0m (Prior Notification Householder) – Approved

B/95/0711/DA: Estate Refurbishment - Approved 11th July 1995

Planning Context

Section 192(1) of The Town and Country Planning Act 1990 provides that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land, would be lawful, may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question. Section 192(4) then provides that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

Buildings etc incidental to the enjoyment of a dwellinghouse are allowed to be constructed without obtaining planning consent, providing they meet the criteria set out in Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Permitted Development

Class E – buildings etc incidental to the enjoyment of a dwellinghouse

Permitted development

E. The provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted

E.1 Development is not permitted by Class E 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);
- (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (d) the building would have more than a single storey;
- (e) the height of the building, enclosure or container would exceed—
 - (i) 4 metres in the case of a building with a dual-pitched roof,
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - (iii) 3 metres in any other case;
- (f) the height of the eaves of the building would exceed 2.5 metres;

- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (h) it would include the construction or provision of a verandah, balcony or raised platform;
- (i) it relates to a dwelling or a microwave antenna;
- (j) the capacity of the container would exceed 3,500 litres
- (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) an area of outstanding natural beauty;
- (b) the Broads;
- (c) a National Park; or
- (d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Interpretation of Class E

E.4. For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

Consultee

Legal – If the proposal complies with the requirements of the GPDO Class E and is of incidental use to the main dwelling, then an LDC may be issued.

Assessment

Schedule 2, Part 1, Class E of the GPDO 2015 (as amended) permits buildings such as a shed to be erected within the curtilage of a dwelling when certain criteria are met. Having thoroughly checked the proposed development against the GPDO 2015 (as amended) and the potential impact of the separate Prior Notification Application 2023/0956, the proposed outbuilding (shed) complies with the legislation and is not impacted by the prior notification application. Additionally, due to the design and construction of the shed, along with its enclosed location within the rear garden, only accessible from the dwelling, there is no concern about the shed not being of ancillary use to the main dwelling. Consequently, the proposal is eligible for a Lawful Development Certificate.

Recommendation:

Approve with conditions.