

2022/0646

Mr James Sixsmith

*Erection of detached outbuilding to rear of dwelling containing garage, workshop and store
(Lawful development certificate for a proposed form of development)*

2 Cavendish Road, Barnsley, S75 1BB

Site Description

The application relates to a detached 2.5 storey, stone fronted dwelling located within a predominantly residential area. The Huddersfield Road Conservation Area runs along the side (Western) and rear boundary of the site but the site itself sits just outside. To the rear of the property the rear garden area has been cleared and hardcore has been laid for a driveway to the Eastern elevation of the property leading to the rear boundary. Work has already started on the garage subject to this application (up to DPC) in the North Western corner of the site.

There are dwellings backing on to the Western boundary of the site which are built on a higher level and front Huddersfield Road. Beyond the rear boundary are gardens which are associated with properties fronting Huddersfield Road and to the East is a neighbouring detached dwelling and associated gardens of 4 Cavendish Road.





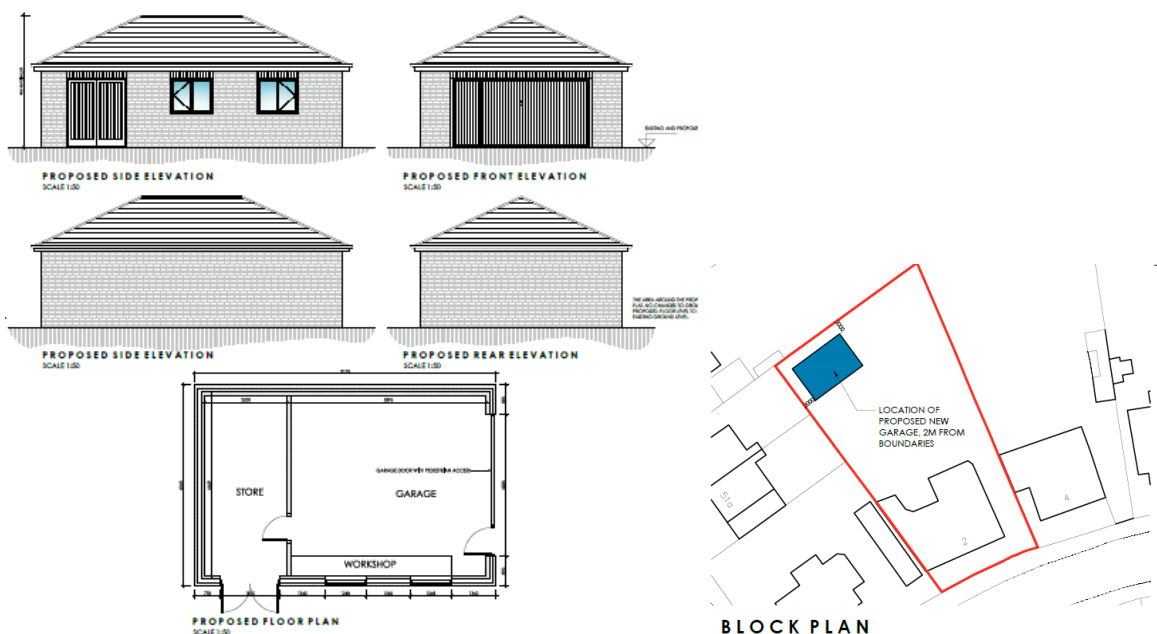
Proposed Development

The applicant has applied for a certificate of lawfulness for the erection of a detached outbuilding to be used as a garage/store/workshop.

The rectangular shaped building will have a floor area of approx. 32m², with an eaves height of 2.5m and total height of 4m. The ground level has actually been reduced to accommodate the building so the heights from the original ground level are actually lower than those quoted above.

The building is located within the North Western corner of the site with the garage/workshop section accessed via a garage door in the Eastern elevation, served by the driveway currently under construction, and the store accessed via a pedestrian access in the Southern elevation as well as an internal access from the garage.

The garage was originally proposed with gables, however, after discussing the proposal with neighbours the applicant has amended the roof design to a hip to minimise the impact on neighbouring residents.



Legal Context

The Town and Country Planning (General Permitted Development) (England) Order 2015 allows householders to extend their property provided certain criteria is met. Under Class E of Part 1 of

Schedule 2 of this act, development is permitted for 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 is not permitted by Class E 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);
- 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 veranda, balcony or raised platform;
- i) it relates to a dwelling or a microwave antenna; or
- j) the capacity of the container would exceed 3,500 litres.

There are other limitations on the permitted development rights for outbuildings however; these do not apply to the application site.

For the purposes of Class E, a purpose incidental to the enjoyment of the dwellinghouse 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. Other examples include common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can properly be described as having a purpose incidental to the enjoyment of the house. A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen.

This is set out in the supporting text of the 'Permitted development rights for householders – Technical Guidance', a supplementary document to the General Permitted Development Order 2015.

Consultations

N/A

Representations

N/A

Assessment

For lawful development certificate applications the assessment needs to be based upon whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage.

In this case the proposed building is 2m from the site boundaries and, as such, the maximum height the building can be to comply with the GPDO is 4m. The submitted plans indicate that the maximum height of the proposed building will be a maximum of 4m above the highest ground level, furthermore as indicated by the adjacent boundary walls the ground level has been reduced by approximately 3 brick courses so the height quoted will be lower when compared to the original ground level. This complies with the relevant parts of Class E of Schedule 2, Part 1 of the GPDO.

The building's footprint of circa 32m² is significantly below 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); the host property is not listed and the position of the outbuilding is not situated on land forward of a wall forming the principal elevation of the original dwellinghouse, again, in accordance with Class E of Schedule 2, Part 1 of the GPDO.

Buildings under Class E should be built for purposes incidental to the enjoyment of the house. The GPDO technical guidance states that a use incidental to the enjoyment of the dwelling house includes keeping of pets and other animals for personal enjoyment or domestic need of the occupants of the dwelling, as well as outbuildings such as sheds, garages etc. that are for a purpose incidental to the enjoyment of the dwellinghouse.

The applicants state that the outbuilding would be used as predominantly a garage and domestic workshop with ancillary store room to the side for garden equipment etc. The use outline is considered incidental to the enjoyment of the dwellinghouse having regard to how that test is explained within the technical guidance that accompanies the GDPO. Furthermore as it has been established that the proposed development complies with the other class E criteria it is considered that the tests for this being a form of permitted development are met meaning that the recommendation is one of approval accordingly.

Recommendation

Grant