

Application Reference: 2026/0615

Site Address: 28 Inchburn Crescent, Penistone, Sheffield, S36 6FE

Introduction:

This application seeks approval for a Certificate of Lawful Development for the proposed use of a garage to be converted into a sitting and shower room

Relevant Site Characteristics

The dwelling is buff brick coloured, detached house with a cross gable roof. The dwelling features an intergraded garage on the front elevation, with a driveway in front.



Relevant Site History

There is no site history for this address since the construction of the estate.

Detailed description of Proposed Works

The proposal is for the conversion of the integrated garage into habitable living accommodation including a new shower room. The only external change to the dwelling is the replacement of the current garage door with a new window and matching brickwork. Internal works not requiring planning consent are also proposed, but these may be subject to separate building control approval.

Relevant Legislation

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.

For a lawful development certificate to be issued for the enlargement, improvement or other alteration of a dwellinghouse, it must meet the criteria set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 1, Class A, as detailed below.

The Town and Country Planning (General Permitted Development) (England) Order 2015
(as amended) - Schedule 2, Part 1, Class A

Permitted development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

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);
- (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);
- (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;
- (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;
- (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;
- (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;
- (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;
- (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;
- (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;
- (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);
- (k) it would consist of or include—
 - (i) the construction or provision of 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 [[F8](#); or]
- (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).]

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse;
- (d) 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 (b) and (c).

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;
- (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
- (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.

Consultations

Consultations were not required for this application.

Supporting Information

In addition to the application form, the following plan was submitted in support of this application: Plans and Elevations 26 - 045 Dwg. No. 01 Rev B

Principle

The site falls within Urban Fabric. General Permitted Development Rights were not removed from the dwelling through any conditions of the recorded planning applications relating to the address, which all correspond to the approval of the whole development. Therefore, the application address benefits from the provision of the general permitted development rights, as detailed above.

Assessment:

With no planning conditions restricting development, and much of the proposed works would not be considered as development as once completed, they would be of similar appearance and character to the original dwelling. Therefore the proposed works would be allowed through Section 55 of the Town and Country Planning Act, and not require any approval.

Section 55 of The Town and Country Planning Act 1990 (as amended) (TCPA 1990) considers works as none-development if the proposed development “do not materially affect the external appearance of the building” and are “for any purpose incidental to the enjoyment of the dwellinghouse”.

Conclusion

In reviewing this application, it was assessed against the criteria outlined in Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 1, and against the allowances afforded to home owners through section 55 of the TCPA 1990. Following a full review, the proposal does meet the requirements of Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 1, and Section 55 TCPA 1990, and a certificate of lawfulness may be issued.

RECOMMENDATION: Approve with condition

Justification

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

