

Application Reference: 2025/0087

Site Address: 45 Low Rocha Grove, Millhouse Green, Sheffield, S36 9AN

Introduction:

This application seeks a lawful development certificate for proposed single storey rear extension to dwellinghouse

Relevant Site Characteristics

Located in on contemporary housing estate in the village of Millhouse Green, the dwelling is a red brick detached dwelling with an original rear projection, akin to an extension. The dwelling features an open plan front garden, a driveway running along the side elevation leading to a detached garage and has an enclosed rear garden.

Site History

No site history has been recorded for this address since the development approval was granted for the housing estate.

Detailed description of Proposed Works

A single-story ground floor extension is proposed for the rear elevation of the dwelling. Due to the stepped design of the dwelling, the extension would also be considered a side extension, this limits the size of the extension to less than half of the size of the original dwelling's width as its widest point, on this occasion that being approximately 10.3m. The amended plan has reduced the width of the extension to approximately 5.14m, with a rear projection of 3.5m. The proposed eaves height stands at approximately 2.25m, and the maximum height of the mono pitched roof is approximately 3.15m. The extension would include a new set of patio style doors and two roof lights. A ground floor window within the existing rear elevation of dwelling would be converted into an additional exterior door. The proposal is to be constructed in matching red facing brickwork with matching concrete interlocking roof tiles.

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 to be constructed without obtaining planning consent, it must meet the criteria set out in Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended). Specific to this application are Class A and Class C of this legislation.

Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development)
(England) Order 2015

Class A

Permitted Development

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

Development not permitted

A.1 Development is not permitted 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. 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;

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 not 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 house by more than 3 metres, or

ii. Be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse

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;

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; or

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 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, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Class C

Permitted development

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

C.1 Development is not permitted by Class C 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 alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

(d) it would consist of or include—

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

(a) obscure-glazed; and

(b) 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.

Consultations

BMBC Legal Department: No comments have been received.

Planning Assessment

In addition to the application form, the following plans and planning statement were submitted in support of this application:

- Planning Statement Revision A

- Location Plan PP-13725778v1
- Project No. CHA 2417 Drawing No. 10 Revision A
- Project No. CHA 2417 Drawing No. 20 Revision A (superseded plans)
- Project No. CHA 2417 Drawing No. 20 Revision B (amended plans)

Principle

The site falls within Urban Fabric and there are no existing conditions attached to planning conditions for the original development or the application address which remove General Permitted Development Rights.

Assessment:

The amended plans provided demonstrate that the approximate 3.5m rear projection is less than the 4m allowed for a detached dwelling, equally the extension's side projection at approximately 5.14m is less than half of the width of the original dwelling's maximum 10.3m width. The eaves height at approximately 2.25m high, and the approximate roof height of 3.15m are also below the respective maximum allowable for a pitched roof within 2m of a dwelling's boundary. In addition to the above, the proposed roof style and materials, along with the facing brickwork would all meet guidance detailed in Class A of the General Permitted Development (GPDO). The insertion a new door in replacement of an existing window, and the doors within the extension are both of a similar appearance to those installed within the original dwelling, including glazing bars and would also be allowed through Class A of GPDO. The proposed rooflights would comply with Class C of GPDO.

Conclusion

For the purposes of considering this application, the application was assessed against the criteria set out in Class A and Class C of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) and was found to be compliant, therefore a lawful development certificate may be issued.

RECOMMENDATION: Approve subject to conditions

Justification

It was necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, the amended plans were 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.