
Application: 2023/0646

Type: Lawful Development Certificate

Applicant: Mr N Bennett

Site Address: 17 Westfield Avenue, Thurlstone, Sheffield, S36 9RL

Proposal: Certificate of Lawfulness Development for proposed demolition of existing detached single garage and erection of new double detached garage in rear garden.

Location & Property Description

The dwelling is a circa 1930's stone built semi-detached dwelling, located in the residential area of Thurlstone, a small village located to the west of Penistone. The dwelling features a front and rear garden, featuring a driveway leading to a garage at the rear of the dwelling. Additions to the dwelling include the garage, a small front porch and a small rear extension.

Proposed Development

The proposed development is for the replacement of an existing freestanding single garage in the rear garden of the dwelling with a new freestanding double garage. Unlike the existing garage, the proposed front elevation of the garage would be constructed of materials of similar appearance to that of the main dwelling. The garage has been declared to be of incidental use of the dwellinghouse. No other alterations to parking or access have been detailed and there is ample onsite parking provision in addition to the proposed garage.

All works relate to the dwelling at 17 Westfield Avenue, Thurlstone, Sheffield, S36 9RL

Measurements

- Maximum Height: 2.5m
- Eaves Height: 2.2m
- Width: 6.75m
- Length: 6.15m
- Area: 41.5m
- Porch & Rear Extensions 7.44 sqm

Even after consideration of the proposed garage and existing extensions to the dwelling, more than 50% of the original dwelling's curtilage approximately 150 sqm (excluding the original dwelling) remains from the approximate original of 199m sqm (excluding the original dwelling).

Documents

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

Plans: NBG-JMA-ZZ-ZZ-DR-A-(01)001B and NBG-JMA-ZZ-00-DR-A-(10)001C

Documents: Site Photos.pdf, Property Information.pdf and Permitted Development Statement.pdf

Planning History:

B/74/1565/PU5 – Historic, no further Information available

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.

Outbuildings such as detached garages are allowed to be constructed without obtaining planning consent, providing they meet the criteria set out in Class E of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), as amended.

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; or
- (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.

Consultees

Legal – Advised to check the proposal meets the requirements of the GPDO 2015

Assessment

Class E of the GPDO 2015 (as amended) permits outbuildings such as detached garages in the curtilage of dwelling when certain criteria are met. This includes being allowed to erect a single storey outbuilding, as long the total amount of buildings, excluding the original dwellinghouse does not exceed 50% of the remaining area of the curtilage. Height restrictions also apply and are a maximum of 4m, but lower limitations apply for roofs which are not dual pitched and for any structure within 2m of a boundary of the dwelling's curtilage. In this instance, despite the roof being dual pitched, as the location of the proposal is within 2m of a boundary, the maximum height of any part of the structure is limited to 2.5m. Having thoroughly checked the proposed development against the GPDO 2015 (as amended), the proposed detached garage complies with this legislation and consequently is eligible for a Lawful Development Certificate

Recommendation:

Approve with conditions