2022/0639

Applicant: Mr Rycroft

Agent: Mr Lawson

Lawful Development Certificate for proposed development of conversion of existing garage to form a utility and boot room including the infill of existing garage door and formation of a window.

9 Huskar Close, Silkstone, Barnsley, S75 4SX

Description

The application relates to a detached dwelling located within the cul-de-sac Huskar Close. Huskar Close has a consistent street scene featuring other two-storey detached dwellings.

The property has no existing extensions. The dwellings Permitted development rights have not been removed at the property.

The dwelling has a dual pitch roof with single storey lean to canopy and benefits from an integral garage and a large driveway.



Photo 01. Front of Neighbours house



Photo 02. Front of house



Photo 03. Front of house



Photo 04. Front of Neighbours house

Proposed Development

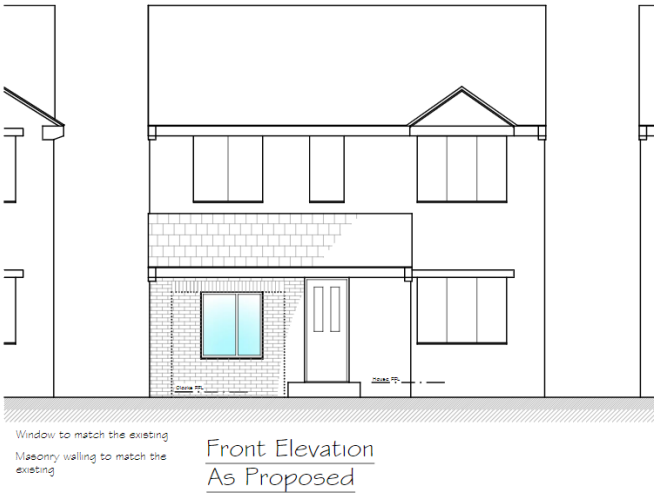
The application is for a certificate of lawfulness for the conversion of an integral garage to form a utility and boot room, including the infill of an existing garage door and formation of a window, under Section 192 of the Town and Country Planning Act 1990. Section 192 (1) provides that if any person 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.

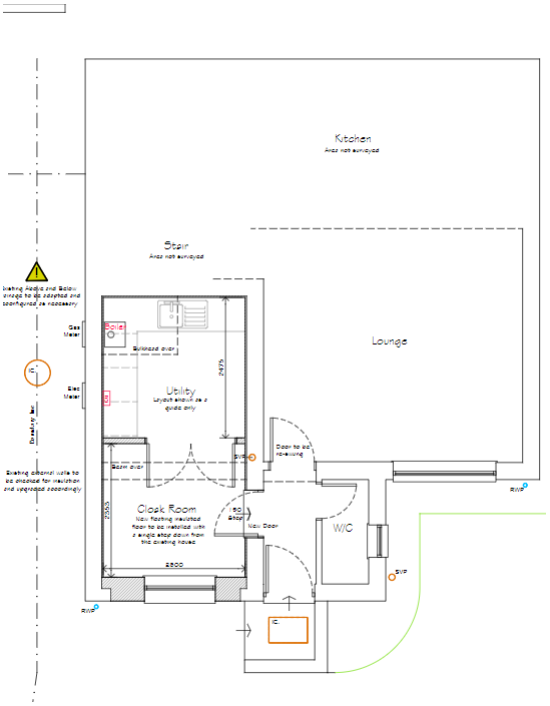
The applicant has submitted the following plans in support of the LDC application:

S75-3104 REV A 001

S75-3104 REV A 002

The submitted plans show the garage will be converted to a utility and cloak room and that the masonry walling, and window will match the existing dwelling.





Planning Context

The submitted application form states the development would be permitted development, within The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Please find the provisions within Part 1 Class A below.

Class A

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

k) it would consist of or include—

(i) the construction or provision of a veranda, 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.

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.

Consultations

Legal – No comments received

Assessment

Class A permits development where certain criteria are met. Permitted development rights allow for the conversion of the integral garage if conditions are met. The materials used will be matching brickwork and a matching window in line with the conditions set out in Paragraph A.3. (a) of Class A of Schedule 2, Part 1 of the GPDO. The proposed works comply with the legislation of Class A of the GDPO and would fall within permitted development rights and therefore the lawful development certificate should be granted.

Recommendation

Approved subject to condition