
Application Reference: 2023/0387

Type: Lawful Development Certificate

Applicant: Mrs A Dransfield

Site Address: 158 New Road, Staincross, Barnsley, S75 6PP

Proposal:

Lawful development certificate for proposed development of single storey side extension to dwelling

Property Description

The dwelling is a two bedroomed red brick semi-detached located in an unusual location on a large piece of land to the Rear of New Road in Staincross. The dwelling is accessed from between No.146 and No. 164 New Road, on what appears to be an unadopted road which leads to the principal garden entrance of No. 158. This road then continues up to the rear elevation, additional garden area and parking provision of No. 158. Within the same large area of land at the rear of New Street are three further dwellings including No.156, the attached counterpart semi-detached dwelling to No. 158.

Together No.158 and No.156 feature a large extension to the principal elevation, achieved through planning application B/81/18794/DT. In keeping with the initial extension application, two follow up applications B/88/1012/DT5 & B/03/0972/DT5 for 'First floor balcony fencing' and a 'New pitched roof' were submitted in conjunction with No.156.

The joint applications have resulted in what appears on initial viewing to be a single dwelling. Furthermore, due to the style of the extension, unusual style of principal entrance door (patio doors) and the unobvious garden entranceway to the dwelling, the principal elevation appears to be more akin to a rear garden elevation. The plans enclosed initially seemed to support this assumption, as labelling listed the principal (south) elevation as the rear elevation and the opposite elevation (north) as the front elevation. The front (north) elevation also includes associated principal elevation features such as parking provision and a wall mounted letterbox.

The determination of the principal elevation is an important consideration as it would affect the location of extensions allowed under permitted development rights, granted by The Town and Country Planning (General Permitted Development) (England) Order 2015 and consequently the issuing of a Lawful Development Certificate. The agent was contacted who confirmed, acting on behalf of the applicant, that the principal elevation and 'front door' entrance into the dwelling was what was shown on the plans as the rear (south) elevation

and that it is accessed through a gate in the boundary treatment, towards the bottom of the road leading up to No. 158 (and No.156).

To confirm the status of the principal elevation, files were retrieved from the planning department's archives. Information provided in applications B/81/18794/DT and B/88/1012/DT5 have confirmed that in both planning applications, the south elevation of the dwelling, has been considered the front (principal) elevation, including primary access to the dwelling since at least 1981.

In addition to the extension and alterations already mentioned, a side lean-to extension has been constructed to the west, side elevation of the dwelling. This was presumably constructed under permitted development rights as this proposal extends beyond what is now confirmed as the rear elevation and not beyond what is now known to be the principal elevation.

Lawful Development Certificate

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

Proposed Development

The proposal is for a side and rear extension in replacement of the existing lean-to extension, located on the west side of the dwelling, left side when viewed from the principal south elevation. The Extension would feature two sections of different sizes and roof styles. The side extension would have a tiled, pitched roof whilst the rear extension section would have a tiled dual pitched roof. Additional features would include two skylights on the west side elevation, additional glazed doors on the front elevation and a door and side window on the east side elevation of the rear extension.

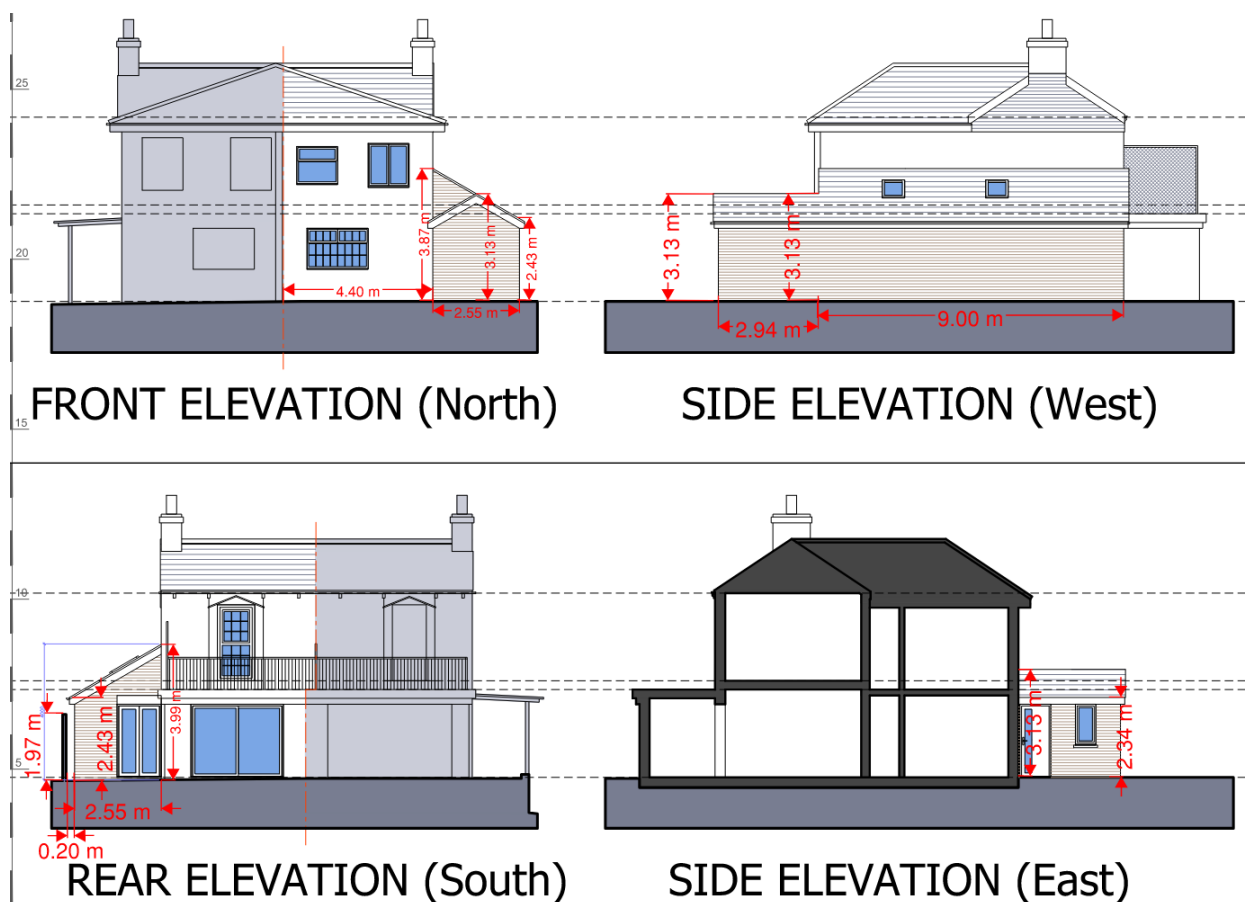
Side Extension:

Side Projection:	2.55m
Length:	9.00m
Eaves Height:	2.43m
Maximum Height:	4.00m

Rear Extension:

Rear Projection:	2.94m
Width:	2.55m
Eaves Height:	2.43m
Maximum Height:	3.13m

Proposed Elevations



The following plans were submitted for the application: 23-010 (EXT)10 REV A; 23-010 (EXT)44 REV A; 23-010 (LDC)4; 23-010 (LDC)20; 23-010 (LDC)10; 23-010 (LDC)11; 23-010 (EXT)49

Planning Context

Single-storey side extensions, including those which extend beyond the rear elevation by no more than 3m on semi-detached dwellings are allowed to be constructed without obtaining planning consent, providing they meet the criteria set out in Class A, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Permitted Development

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

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.

Consultees

Legal – Advice was given that if the proposals met the guidance of the Class A of the GPDO 2015 regulations, as detailed above then a Lawful Development certificate could be issued.

Assessment

Class A of the GPDO 2015 (as amended) permits extensions to domestic dwellings where certain criteria are met. This includes being allowed to erect a single-storey side extension with a rear projection beyond the original rear elevation of no more than 3m for a semi-detached dwelling. Height restrictions are a maximum of 4m with additional restrictions imposed, as in this proposal when an extension is to be constructed within 2m of a boundary. In this scenario, which affects this application, the height of the eaves is limited to 3m high or lower.

Having thoroughly checked the proposed development against the GPDO 2015 (as amended), and confirming the principal elevation, the proposed side (and rear) extension, complies with this legislation as the side projection is 2.55m, the rear projection was measured at 2.94m (or as listed in the application form 3m) and the eaves height of the proposed roof are a maximum of 2.43m. The windows and doors are of a similar or complementary style to most of the existing windows and doors, as are the proposed roofs, and no part of the proposed extension exceeds the original principal elevation. Materials have not been specified but a requirement of the GPDO 2015 is that similar materials are used. Together the proposals meet permitted development rights, and a Lawful Development Certificate can be issued.

Recommendation

Approve with conditions