

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2018/0E1
2.	<b>Proposed Development:</b>	LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED DEVELOPMENT - SINGLE STOREY LEAN-TO TO THE REAR OF THE HOUSE OFF THE KITCHEN/DINER
3.	<b>Location:</b>	14 OSPREY GARDENS, MORESBY PARKS
4.	<b>Parish:</b>	Moresby
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b>  <b>Site and Location</b>  <p>The application site relates to 14 Osprey Gardens, a detached residential dwelling located in a row of detached properties within Moresby Parks.</p>  <b>Proposal</b>  <p>This application seeks a Lawful Development Certificate for a proposed development. The proposal is for works to construct a single storey lean-to rear extension and alteration of the location of a rear external door. There are also internal alterations proposed.</p> <p>The rear extension will project approximately 2 metres from the existing rear elevation of the property and will have a width of approximately 4.55 metres. The proposal is to have a lean-to roof with approximate eaves height 2.55 metres and approximate ridge height 3.7 metres. The rear external door is to move approximately 0.5 metres to the North-West.</p> <p>The proposals are to be constructed from materials to match the existing property, with the exception of the bifold doors which are to be pc aluminium. However, this will appear visually similar to the existing uPVC windows at the property. This was confirmed in an email from the</p>	

agent received on 12 February 2025.

### **Planning Policy/Legislation**

Town and Country Planning Act 1990 – Section 192 as amended by Section 10 of the Planning and Compensation Act 1991

Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended)

### **Consultation Responses:**

There is no statutory requirement to consult third parties including Parish Councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources if there is good reason to believe they may possess relevant information about the context of a specific application. This normally only relates to Lawful Use applications for existing uses. In this case, the application relates to a proposed development and seeks to establish that the works proposed fall within the definition of Permitted Development. In such cases, views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question are irrelevant when determining the application.

### **Legal Considerations**

For the purposes of clarification, a Lawful Development Certificate enables an applicant to establish whether a proposed development is lawful for planning purposes. In this instance it is claimed that the proposed works fall within the definition of Permitted Development.

### **Assessment**

The provision of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 is applicable which relates to enlargement, improvement or other alteration of a dwellinghouse.

The provision of Schedule 2, Part 1, Class A of the GPDO 2015 are considered in turn below:

In respect of the provisions of A. – the proposal comprises the enlargement of a dwellinghouse.

In respect of the provisions of A.1:

- a) The property has not been granted permission to use the dwelling house as a dwelling house by virtue of Part 3 of the GPDO (change of use);



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- b) As a result of the works, the total area of the ground covered by buildings within the curtilage would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- c) No parts of the proposed works would exceed the highest part of the existing dwellinghouse;
- d) The height of the eaves of the proposals would not exceed the height of the eaves of the existing dwellinghouse;
- e) The proposals would not extend beyond a wall (i) forming the principal elevation of the existing dwellinghouse nor (ii) fronting a highway and forming the side elevation of the existing dwellinghouse;
- f) The proposal does is single storey and (i) does not extend by more than 4 metres in depth from the rear wall of the original dwelling, and (ii) does not exceed 4 metres in height;
- g) The proposal is not located on article 2(3) land and does not (i) extend by more than 8 meters from the rear wall of the original house, and (ii) does not exceed 4 meters in height;
- h) The proposal does not have more than a single storey;
- i) The proposal is not located within 2 meters of the boundary of the curtilage of the dwellinghouse;
- j) The proposal does not extend from the side elevation of the dwellinghouse;
- k) The proposal does not consist of (i) the construction of a verandah, balcony or raised platform, (ii) the instillation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, nor (iv) an alteration to any part of the roof of the dwellinghouse;
- l) The dwellinghouse was not built under Part 20 of this Schedule (construction of new dwellinghouses).

In respect of the provisions of A.2, the proposed development is not located on Article 2(3) land.

In respect of the provisions of A.3;

- a) The materials to be used in the proposal are to be similar in appearance to those in the existing dwelling house, this was confirmed in an email from the agent dated 12<sup>th</sup> February 2025;
- b) The proposals do not comprise of more than 1 storey.

### **Conclusion**

It has been adequately demonstrated that the proposed development comprising a single

	storey rear extension meets the requirements and constitutes permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.	
8.	<b>Recommendation:</b> Approval of Certificate of Lawfulness	
<b>Case Officer: E. Turner</b>		<b>Date : 17/02/2025</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 24/02/2025</b>
<b>Dedicated responses to:- N/A</b>		