

Application No: 16/2472M

Location: 14, LANGLEY ROAD, LANGLEY, CHESHIRE, SK11 0DP

Proposal: Certificate of lawful existing development - Single storey rear extension, part two storey/part single storey side extension and single storey front extension

Applicant: Mr C Hooley

Expiry Date: 15-Jul-2016

SUMMARY

Having regard to the information submitted to support the application, and the lack of any evidence to contradict this, there is considered to be sufficient evidence to demonstrate, beyond reasonable doubt, that a positive Certificate of Lawful Development should be granted for the building operations carried out to No.14 Langley Road.

RECOMMENDATION

The report be noted

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as the applicant is a close family member of a senior employee of Cheshire East Council, and that senior employee is acting as agent for the application.

This is a Lawful Development Certificate for existing operational development and is not a planning application. The application is referred to Committee for information only. This is because it is a matter of establishing the legal position based upon an assessment of evidence and not about the planning merits of the development at the site.

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DESCRIPTION OF SITE AND CONTEXT

The application site relates to a two storey semi-detached dwelling which is located within ribbon development along Langley Road, Langley. The dwelling is located within the Green Belt and an Area of Special County Value as defined by the Macclesfield Local Plan Policies Map. The application dwelling has been extended with two and single storey side extensions, single storey front extensions and single storey rear extensions.

DETAILS OF PROPOSAL

This application is a Lawful Development Certificate for existing development which seeks to determine whether the proposed alterations to the design of the extensions and alterations as approved under planning permission 04/1220P, as carried out, are lawful.

RELEVANT HISTORY

04/2178P - Part single, part two storey side extension and new pitched roof to conservatory - approved - 18/10/04

04/1220P - Part single / part two storey side extension and new pitched roof to conservatory - approved - 28/06/2004

37385P - Construction of bedroom and bathroom over existing garage - approved - 24/05/84.

23281PB - Construction of new domestic garage - approved - 25/07/80.

CONSULTATIONS (External to Planning)

Not applicable.

VIEWS OF THE PARISH / TOWN COUNCIL:

Sutton Parish Council have no objection to the proposal unless deemed unneighbourly.

REPRESENTATIONS

None received

APPLICANT'S SUPPORTING INFORMATION:

The application has been supported by the following documentation:

- Planning Statement
- Google Street view image dated Jun 2011
- Aerial Photograph dated October 2010

OFFICER APPRAISAL

Legislative Background

The submitted application seeks determination that the external operations carried out to the host dwelling known as Silverdale (14 Langley Road) are lawful. Section 171B(1) and 191(2) of The Town and Country Planning Act 1990 confirm that operational development can be considered to be lawful after a period of four years from the date that the works were substantially completed.

Section 191(4) states that if the Local Planning Authority are provided with information satisfying them of the lawfulness at the time of the application the operations in the application then a certificate should be issued to that effect.

In this instance the test is whether there is sufficient evidence to demonstrate on the balance of probability that the operational works have been carried out for a period in excess of 4 years.

The planning merits of the proposed works are not for consideration.

Works to which the certificate relates

Planning application 04/2178P for extensions to the application dwelling was approved on 28th June 2004. The approved plans were then subsequently amended through a minor working amendment, approved on 22nd March 2006. The extensions and alterations to the dwelling to which that approval related were not carried out in strict compliance with the approved plans as amended, with a series of non-material minor amendments to the overall design of the scheme being carried out. The proposed alterations to the approved scheme are:

- Repositioning of velux roof lights on single storey rear extension;
- Removal of glazing bars on windows in rear elevation;
- Removal of 3No. Velux rooflights from side elevation;
- Correction to position of existing rooflights on rear elevation;
- Removal of small flat roof section of single storey rear extension and continuation of pitched roof under bedroom window;
- Increase in ridge height by 100mm to tie into existing;
- Reduction of eaves height on lean to front extension by 500mm; and,
- Alteration of first floor window to bedroom in side elevation to high level window.

Review of evidence

The test is to consider whether the proposed works were substantially completed 4 years from the date that the application was made to be considered to be lawful for the purposes of s.191 of The Act. The relevant date therefore is 20th May 2012.

The application submission confirms that the proposed works were substantially completed by July 2007. The submission includes a Google Street view © image dated June 2011 and a Google Earth © aerial photograph dated October 2010. Both of these images show the works to which this certificate relates in situ. The information is sufficiently clear and unambiguous and the LPA has no evidence to contradict this evidence. Therefore, it is apparent, on the balance of probabilities, that the works have been substantially completed for a period in excess of 10 years from the date that the application was submitted.

Therefore a positive certificate should be granted.

CONCLUSIONS AND REASONS FOR THE DECISION

To conclude, having regard to the information outlined above, and the lack of any evidence contradicting this, there is considered to be sufficient evidence to demonstrate beyond reasonable doubt that a positive Certificate of Lawful Development should be granted for the building operations carried out to No.14 Langley Road.

RECOMMENDATION

Members note the report to Issue a Positive Certificate

