SUPPORTING STATEMENT

CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT

for

SINGLE STOREY SIDE AND REAR EXTENSIONS AND WORKS TO THE EXISTING KITCHEN ROOF

at

Ollersett Farm
Low Leighton
New Mills
High Peak
Derbyshire
SK22 4QW

for

Mr P Kitching

Ref J-0912-01A

COWDRAY PLANNING CONSULTANCY | T 01625 420 636 | M 07753 362 870 | E lizcowdray@yahoo.co.uk
61 ORME CRESCENT MACCLESFIELD CHESHIRE SK10 2HU

1. Introduction

1.1 This statement is submitted under S192 (1)(b) of the Town and Country Planning Act 1990 in support of an application for a Certificate of Lawfulness for two proposed single storey extensions, and amendments to the roof of the existing kitchen at Ollersett Farm.

1.2 Lawfulness is claimed for the extensions as shown on the Proposals Plan Ref OF/01/03 and Site Plan Reference OF/01/02 on the grounds that they constitute permitted development falling within Classes A and C of Part 1 of the Schedule to the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008.

2. Proposed Extensions

2.1 Two separate extensions are proposed.

Extension A - A single storey extension attached to the south west gable of the dwelling and the existing single storey kitchen.
Extensions B - A single storey extension attached both to the south east rear elevation of the dwelling and the north east side elevation of the existing kitchen.

2.2 Extension A would be 10.425 metres in length, 3.925 metres in width, 2.65 metres maximum to the eaves and 3.9 metres maximum height. It would have a lean-to roof, hipped at the southern corner of the building, and would be constructed in materials to match the existing dwelling.

2.3 Extension B would extend 3.925m from the rear of the dwelling and 4.3m from the north east side elevation of the single storey kitchen. It would also have a maximum eaves height of 2.65 metres and a maximum overall height of 3.9 metres, would have a lean-to roof and would be constructed in materials to match the existing dwelling.

2.4 The roof of the existing kitchen would be lowered to 3.9 metres maximum height and re-roofed in stone tiles to match both the new extensions and the main house roof.

3. Justification for the Granting of a Certificate of Lawfulness for a Proposed Development.

3.1 Permitted development rights for domestic extensions to the property are intact. Although the Council imposed a condition (No2) on permission Ref HPK/2009/0530 removing permitted development rights for buildings and structures, it now accepts that these rights remain as the condition was deemed unenforceable. A copy of letter dated 7th February 2011 from the Council is submitted as evidence. Although the letter refers to a previously proposed extension which required formal planning permission paragraph 3 of the letter clearly accepts that permitted development rights, other than those restricted by condition 3 of permission ref HPK/2009/0530 still remain. This letter follows the applicant's submission of Counsel's advice dated 3rd January 2011.

3.2 Extension A would be permitted under Class A of Part 1 of the Schedule to the Town and Country Planning (General Permitted Development)(Amendment)(No2)(England) Order 2008 (The 2008 Order) for the following reasons:-

(i) The enlarged part of the dwelling house would be single storey and would not extend beyond a wall which fronts a highway and forms either the principal elevation or a side elevation of the original dwelling. This is in accordance with paragraph A1(d) of the 2008 Order

(ii) The eaves height of the enlarged part of the dwelling house would not exceed 3 metres. This is in accordance with paragraph A1 (g) of the 2008 Order

(iii) The enlarged part of the dwelling house would extend beyond a wall forming a side elevation of the original dwelling house but would be single storey, would not exceed 4 metres in height and would have a width less than half the width of the original dwelling house. The enlarged part of the dwelling house would be 3.925 metres in width and the 'half width' of the original dwelling is 4.75 metres. This accords with paragraph A1(h) of the 2008 Order

(iv) The enlarged part of the dwelling house would not exceed 4 metres in height and would project 0.6 metres from the rear of the existing kitchen. This complies with paragraph A1 (e) of the 2008 Order which restricts rear extensions to no more than 4 metres in height and requires them to project no more than 4 metres beyond the rear wall of the original dwelling house. For the purposes of this proposed enlargement the rear wall of the kitchen constitutes

the rear wall of the original dwelling house. This was established in Counsel's advice dated 3rd January 2011.

(v) The proposed enlargement would fall entirely within the authorised residential curtilage of the property as defined by the revised 1:2500 scale location plan dated 11th November 2009 attached to permission Ref HPK/2009/0530

3.3 Extension B would be permitted under Class A of Part 1 of the Schedule to the Town and Country Planning (General Permitted Development)(Amendment)(No2)(England) Order 2008 (The 2008 Order) for the following reasons:-

(i) The enlarged part of the dwelling house would have a single storey and would extend beyond the rear wall of the original dwelling house by no more than 4 metres. It would not exceed 4 metres in height. This is in accordance with paragraph A1(e) of the 2008 Order.

(ii) The enlarged part of the dwelling house would extend beyond the north east side elevation of the existing kitchen by 4.3 metres which is less than the 'half width 'of the original dwelling house (4.75 metres). This is in compliance with paragraph A1(h) of the 2008 Order.

(iii) The proposed enlargement would fall within the authorised curtilage of the property. This is defined by the revised 1:2500 scale location plan dated 11th November 2009 attached to permission Ref HPK/2009/0530 together with the Certificate of Lawfulness Ref HPK/2012/0218 dated 30th June 2010 (the latter having established the lawfulness of the residential garden land to the south east of the curtilage approved in 2009).

3.4 The works to the roof of the existing kitchen, comprising the lowering of its height to match that of proposed extensions A and B, and replacement of the existing roofing materials to match the main roof of the dwelling would be permitted under Class C of Part 1 of the Schedule to the Town and Country Planning (General Permitted Development) (Amendment)(No2)(England) Order 2008 for the following reasons:-

(i) It would constitute an alteration to the roof of a dwelling house which would not result in any enlargement and would not fall within any of the exclusions to Class C as set out on paragraphs C1(a)(b) and (c) of the 2008 Order.

Elizabeth Cowdray BA(Hons) Dip. BM MRTPI

5th December 2012