

DELEGATED DECISION REPORT

HPK/2021/0056
Valid 09/02/2021

8 BUXTON ROAD
CHAPEL-EN-LE-FRITH

CERTIFICATE OF LAWFUL
DEVELOPMENT – PROPOSED
NEW GARAGE AND STORAGE

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

Whether the proposed development comprises permitted development under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

DESCRIPTION OF SITE

The application site comprises a detached, two-storey dwellinghouse located on the southern side of Buxton Road, within the Development Boundary of Chapel-en-le-Frith. The property has a large side garden to the western side of the dwellinghouse and is set back from Buxton Road by a front garden/driveway.

PROPOSAL

The applicant has applied for a Lawful Development Certificate for the proposed construction of a detached garage and storage building. The building will be sited within the western side garden of the dwellinghouse, two metres from the dwellinghouse. It will be sited one metre from the rear boundary; it will have a flat roof; and it will have an irregular shape due to the building following the line of the rear boundary, which is angled. The building will provide a double garage with the remainder used for storage purposes.

OFFICER COMMENTS

Schedule 2, Part 1, Class E applies to the provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

E.1:

- (a) The dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3, Schedule 2;
- (b) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would not exceed

- 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) The proposed building would not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse. The principal elevation faces in a northerly direction towards Buxton Road;
 - (d) The building would not have more than a one storey;
 - (e) The building would be sited one metre from the rear boundary and it would not exceed 2.5 metres in height;
 - (f) The height of the eaves of the building would be 2.4 metres, and therefore would not exceed 2.5 metres;
 - (g) The building would not be situated within the curtilage of a Listed Building;
 - (h) The building would not include the construction or provision of a verandah, balcony or raised platform;
 - (i) It does not relate to a dwelling or a microwave antenna;
 - (j) It does not relate to a container;
 - (k) The dwellinghouse was not built under Part 20 of this Schedule (construction of new dwellinghouses).

E.2 The dwellinghouse is not located within—

- (a) an area of outstanding natural beauty;
 - (b) the Broads;
 - (c) a National Park; or
 - (d) a World Heritage Site,
- And therefore E.2 is not applicable.

E.3 The dwellinghouse does not fall within land designated as article 2(3) land.

CONCLUSION / PLANNING BALANCE

The proposed detached garage and storage building comprises permitted development under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015.

OFFICER RECOMMENDATION: **Issue a POSITIVE Certificate**

Case Officer: Ailsa Berry

Recommendation Date: 25/03/2021

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council

