

DELEGATED DECISION REPORT

HPK/2021/0079
Valid 19/02/2021

156 BUXTON ROAD
WHALEY BRIDGE

CERTIFICATE OF
LAWFULNESS FOR A
PROPOSED 2 STOREY REAR
EXTENSION

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether the proposed development is compliant with the relevant parameters set out within the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended

DESCRIPTION OF SITE

The application refers to No.156 Buxton Road, Whaley Bridge; a semi-detached bungalow whose principal elevation fronts the public highway to the west. The site lies within the built-up area boundary and is not constrained by any sensitive statutory designation.

There is no planning history associated with the site and permitted development rights for works within the domestic curtilage under Part 1 are intact.

PROPOSAL

The application seeks a Certificate of Lawful Development for a proposed development which comprises the removal of a small single storey rear extension and the construction of a two storey rear extension.

The application argues that the proposed development comprises permitted development under the relevant parameters of the GPDO, does not require planning permission and thus constitute lawful development.

OFFICER COMMENTS

Schedule 2, Part 1, Class A of the GPDO permits the enlargement, improvement or other alteration or other alteration of a dwellinghouse subject to compliance with the parameters set out under Paragraph A.1 and relevant conditions set out under Paragraph A.2. An assessment of the application against this criterion is carried out below.

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

A.1 Development is not permitted by Class A if –

- (a) **permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);**

The site has not been subject to any previous change 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);**

The site benefits from a front garden and a larger rear garden. The extension is shown to have a footpath which equates to approximately 10% of the total area of curtilage and is thus compliant with Paragraph A.1(b)

- (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;**

The plans show that the height of the proposed extension is consistent with the main house and does not exceed it. The application is thus compliant with Paragraph A.1(c)

- (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;**

The plans show the eaves level of the proposed extension to be consistent with that of the main house and thus the application is compliant with Paragraph A.1(d)

- (e) **the enlarged part of the dwellinghouse would extend beyond a wall which—**

- (i) **forms the principal elevation of the original dwellinghouse; or**
- (ii) **fronts a highway and forms a side elevation of the original dwellinghouse;**

The extension extends outwards from the rear elevation and as such Paragraph A.1(e) is not relevant in this case.

- (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;**

The application is described as a two storey extension although it could be more accurately described as a one and a half storey extension given that it connects to a bungalow with living accommodation in the roof. Paragraph A.1(f) is therefore not relevant in this case.

- (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 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;**

The application has more than one storey and therefore Paragraph A.1(g) is not relevant in this case.

- (h) the enlarged part of the dwellinghouse would have more than a single storey and—**
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of the dwellinghouse;**

The application is described as a two storey extension although it could be more accurately described as a one and a half storey extension given that it connects to a bungalow with living accommodation in the roof. The plans show the extension to have a depth of 3m and maintain a distance in excess of 10m in a straight line to the rear boundary of the curtilage. The application is thus compliant with Paragraph A.1(h).

- (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;**

The eaves of the proposed extension is shown to reach a height of 2.9m and as such the application is compliant with Paragraph A.1(i).

- (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**

The application is for a rear extension and therefore Paragraph A.1(j) is not relevant in this case.

- (ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e)-(j);**

The existing rear extension is shown to be demolished as part of this development being replaced with a new extension that spans the width of the property. As it would not connect with any other addition, there is no conflict with Paragraph A.1(ja)

- (k) it would consist of or include—**
 - (i) the construction or provision of a verandah, 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; or**

The plans show that no aspects of development set out above are included within the proposed extension and as such the application is compliant with Paragraph A.1(k)

- (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)**

Not applicable.

CONCLUSION / PLANNING BALANCE

The above assessment confirms that the proposed development complies with the parameters set out under Schedule 2, Part 1, Class A of the GPDO. In order to comprise permitted development, the proposal must also accord with conditions set out under Paragraph A.2, for which the only relevant one is that materials to be used are consistent with the main dwelling. The plans show that this is the case.

As such, further to the above assessment, it is concluded that the proposed extension constitutes permitted development and does not require planning permission. It is thus recommended that a Certificate of Lawful Development be granted.

OFFICER RECOMMENDATION : Grant Certificate

Case Officer: James Stannard

Recommendation Date: 13th April 2021

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council