

DELEGATED DECISION REPORT

HPK/2021/0072
Valid 02/03/2021

116 NORTH ROAD
GLOSSOP

**CERTIFICATE OF
LAWFULNESS FOR
PROPOSED USE - SINGLE
STORY REAR EXTENSION**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Whether the proposed development complies with relevant parameters of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

DESCRIPTION OF SITE

The application site is a recently built two-storey detached house in Glossop. The site is not within any designated area of relevance to permitted development rights, which appear to be intact at the property.

Permitted development rights were not removed by reserved matters approval or on the outline permission, granted on appeal.

PROPOSAL

The application seeks a Certificate of Lawful Development for a single-storey rear extension. The extension would project 4m from the rear elevation, with a 3m high flat roof with a lantern, and constructed of stone. Upon the site visit it was noted that some land (lawn lifted) appears to have been cleared and the first course of blocks and stone laid. Whilst this may constitute the commencement of development, it appears to be very minimal to conclude with certainty that a commencement has been made.

RELEVANT LEGISLATION

The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2013/0648 - Proposed Residential Development of up to 150 dwellings, including 'affordable housing', highway works, associated works and infrastructure. Refused, 17/03/2014.

HPK/2013/0327 - Outline permission for proposed residential development of up to 150 dwellings including affordable housing, highways works, public open space and associated works. Refused and allowed on appeal 12/06/2014.

HPK/2015/0120 - Proposal - All reserved matters relating to access, appearance, landscaping, layout and scale. Approved, 21/07/2015

CONSULTATIONS

Publicity

Site Notice expiry date: 15/04/2021
Neighbour consultation period ends: N/A

Public Comments

None received

Town / Parish Comments

N/A

OFFICER COMMENTS

The property benefits from permitted development rights. As such, in the event that the proposed development complies with Schedule 2, Part 1, Class a of the General Permitted Development Order (GPDO), a Certificate can be granted. An assessment of the proposed development against the relevant criterion of Class a is undertaken as follows:

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);

Does not apply.

(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);

Complies

(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;

Complies

(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;

Complies

- (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;**

Does not apply

- (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;**

Complies – the extension would extend beyond the rear wall of the original, detached dwellinghouse by 4 metres and would have a height of less than 4 metres.

- (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;**

Does not apply – the extension is within the limitations of part f)

- (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;**

Does not apply, the extension would have a single storey only.

(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;

Complies – no part of the enlargement would be within 2 metres of the boundary of the curtilage, and the eaves of the enlargement would not exceed 3 metres.

(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

Does not apply, the enlargement would not extend beyond a side elevation

(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);

Does not apply – the dwellinghouse has no existing enlargements

(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

Does not apply – the development would not consist of or include any of the elements listed

The above confirms that the application complies with all relevant parameters under Schedule 2, Part 1, Class A of the GPDO. In order to be permitted, the proposed development must also comply with relevant conditions under Paragraph A.3; the sole relevant condition being that the materials used in construction are consistent with the original dwelling. The submitted plans show that this is the case.

CONCLUSION / PLANNING BALANCE

The formation of the proposed single storey rear extension would be permitted development under Part 1 Class A. As such it is recommended that a Certificate be issued.

OFFICER RECOMMENDATION : Approve

Case Officer: Tom Hiles

Recommendation Date: 22/04/2021

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council