

DELEGATED DECISION REPORT

HPK/2021/0125
Valid 11/03/2021

3 TANGLEWOOD
BROOK MEADOW
GLOSSOP

CERTIFICATE OF
LAWFULNESS FOR
PROPOSED SINGLE STOREY
EXTENSION TO THE REAR

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether the proposed development complies with the relevant parts of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and thus whether planning permission is required

DESCRIPTION OF SITE

The application relates to No.3 'Tanglewood', Brook Meadow, Glossop; a two storey detached residential dwelling that was constructed following the granting of planning permission under HPK/0002/5382 in June 1987. Three other detached properties are served by the small cul-de-sac that forms a junction with Sheffield Road to the north. The site is not constrained by any sensitive statutory designation.

The site retains permitted development rights.

PROPOSAL

The application seeks a Lawful Development Certificate for a proposed single storey rear extension, on the basis that the proposed development complies with the relevant parameters of Schedule 2, Part 1, Class A of the General Permitted Development Order (GPDO) and thus does not require planning permission.

OFFICER COMMENTS

Schedule 2, Part 1, Class A of the GPDO permits the enlargement, improvement or other alteration of a dwellinghouse. Paragraph A.1 sets out the criterion for where development is not permitted, and thus subject to the proposed development demonstrating compliance with these criterion – and conditions set out under Paragraph A.2, the proposed extension is permitted development.

An assessment of the application against such criteria 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);**

The site has not been subject to any previous change of use. The application complies with Paragraph A.1(a)

- (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 existing dwelling is set with a generous plot with a garden that exceeds 150m². The proposed extension is shown to have a footprint of approximately 16.5m² and thus falls significantly short of 50% of the total area of curtilage. The application is 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 proposed extension is single storey comparable to the main house that is two storey. 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 proposed extension is single storey comparable to the main house that is two storey. The application is thus compliant with Paragraph A.1(c)

- (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;**

Not applicable.

- (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 existing dwellinghouse is detached. The proposed extension is shown to extend outwards from the rear elevation by 4 metres and is shown to have a maximum ridge height of 3.66m. The application is therefore compliant with Paragraph A.1(f).

- (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;**

Not applicable.

- (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;**

Not applicable.

- (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 extension is located further than 2m from the boundary of the domestic curtilage and in any event has an eaves height that falls below 3 metres. The application is thus 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**

Not applicable

- (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 proposed extension would not adjoin any existing extension and thus the application is compliant 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 proposal.**

The proposed plans show that the proposed development would involve an extension to the existing patio, having a height of 0.3m. As such this would meet the requirements of Section I of Part 1, and therefore the development is compliant with Paragraph A.1(k).

CONCLUSION / PLANNING BALANCE

An assessment of the proposals has found the proposed extension to comply with relevant criterion under Schedule 2, Part 1, Class A of the GPDO.

The proposed plans show the extension to be constructed from materials that are consistent with the main dwelling thereby demonstrating compliance with relevant conditions under Paragraph A.3.

Having regard to the above, the application is considered to constitute permitted development, does not require planning permission, and thus allows a Lawful Development Certificate to be issued.

OFFICER RECOMMENDATION : Grant Certificate

Case Officer: James Stannard

Recommendation Date: 13th May 2021

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council