

DELEGATED DECISION REPORT

HPK/2022/0393
Valid 30/08/2022

22 GRANGE PARK AVENUE
CHAPEL-EN-LE-FRITH

CERTIFICATE OF
LAWFULNESS FOR A
PROPOSED SINGLE STOREY
REAR EXTENSION.

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether the proposed development complies with the 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

22 Grange Park Avenue is a two storey end terraced property, constructed of red/brown brick with concrete roof tiles. The curtilage comprises of a hard standing driveway to the front of the property which can accommodate 2 - 3 cars. The rear of the property has a small area of hard standing and a raised/terraced area of grass

The site lies within the built-up area boundary of Chapel-En-Le-Frith and has all of its permitted development rights intact.

PROPOSAL

This application seeks a Certificate of Lawful Development for single storey rear extension. Plans show the extension to be built on area of existing hard standing to the rear of the property.

The proposed extension will be constructed of materials to match the existing property. 2 rooflights will be inserted into the extension roof, with bi-fold doors providing access to the garden.

OFFICER COMMENTS

22 Grange Park Avenue 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);**

The property has no planning history that shows any previous change of use. The application is thus compliant 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 proposed extension would increase the depth of the existing structure by 3 metres. The properties curtilage is narrow but long curtilage and as such the proposed extension will fall considerably below 50 % of the curtilage. The application 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 overall height of the proposed extension would sit considerably below the height of the existing dwellinghouse. 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 would sit considerably below the eaves height of the existing dwellinghouse. The application is thus 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 proposed extension is to the rear of the original dwellinghouse. The application is therefore compliant with Paragraph A.1 (e).

- (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 proposed extension extends 3 metres from the rear wall of the original dwellinghouse. The overall height of the proposed extension does not exceed 4 metres. Therefore, the application complies 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;**

This application is not a household notification application therefore A.1 (g) does not apply.

- (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 proposed extension is a single storey and therefore complies 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;**

Whilst the proposed extension does lie within 2 metres of the curtilage boundary, the eaves height of the proposed extension is less than 3 metres. As such the application complies 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;**

The application relates to a rear extension. As such Paragraph A.1 (j) is not relevant.

- (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 application property has had no previous enlargement. As such Paragraph A.1 (ja) is not relevant in this case.

(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**

The application relates to a single storey rear extension, the existing patio will be extended, however no raised patio will be installed. Revised plans confirm that the new patio would not be raised, rather the existing ground level would be dug away, by approx. 0.5m, which would, in this case not amount to an engineering operation. A microwave antenna or chimney will not be installed as part of the proposed extension. The existing roof of the dwellinghouse will not be altered as part of the proposed extension. As such the application complies with Paragraph A.1 (k).

(l) the dwellinghouse is built under Part 20 of this schedule (construction of new dwellinghouses)

22 Grange Park Avenue was not built under Part 20 of Schedule 2 of the GPDO. Therefore the application complies with Paragraph A.1 (l).

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

(d) 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 (b) and (c).

The application site is not on article 2(3) lands. As such Paragraphs A.2 (a) through (d) are not relevant in this case.

A.3 Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposed extension is to be constructed from red brick and concrete roof tiles to match the existing dwelling. As such the application complies with Paragraph a.3 (a).

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
- (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The application relates to a single storey extension, therefore Paragraph A.3 (b) and Paragraph A.3 (c) are not relevant in this case.

CONCLUSION / PLANNING BALANCE

In conclusion, the proposed development extension is considered to be in accord with Schedule 2, Part 1, Class A of the GDPO and as such it is recommended that a Certificate be granted.

OFFICER RECOMMENDATION : Grant Certificate

Case Officer: Rachel Robinson

Recommendation Date: 4th November 2022

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council