

DELEGATED DECISION REPORT

HPK/2022/0472
Valid 14/10/2022

5A ROWTON GRANGE
ROAD
CHAPEL-EN-LE-FRITH

LAWFUL DEVELOPMENT
CERTIFICATE 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

5A Rowton Grange is a detached bungalow, finished in pebble dash render, with red brick detailing around the windows. Planning permission as granted for the construction of the property to be an ancillary granny flat for 5 Rowton Grange. In 2018 a Certificate of Lawfulness was granted for the house to be independent of 5 Rowton grange as it had been separately occupied for some years.

PROPOSAL

it is proposed to build an extension to the rear of 5A Rowton. Original plans showed the extension to be over 4 meters in height, with a red brick finish. Revised plans have lowered the overall height to 4 meters with pebble dash render finish to match the existing property.

Revised Plans under consideration are as follows: 5a Rowton Grange Road-BREGS ELEV Rev B; 5a Rowton Grange Road-BREGS PLANS 2; 5a Rowton Grange Road-BREGS PLANS Rev B; 5a Rowton Grange Road-BREGS SECTION Rev B

OFFICER COMMENTS

Officer Comments

5A Rowton Grange 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);**

5A was built as an ancillary dwelling to 5Rowton Grange. However a certificate of lawfulness issued in 2018 (HPK/2018/0018) demonstrated that the property had been in use as a dwellinghouse, independent of no. 5, for a period of more than 4 years. As such the property was shown to be in lawful use as a C3 dwelling.

However, this previous change of use was from an ancillary building to a C3 dwelling. As such the change of use was not granted by virtue of Class M, N, P, PA or Q of Part 3. 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 3.3 metres. The curtilage is long but narrow, resulting in the proposed extension falling below 50% of the curtilage. Thus the application complies 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 eaves of the proposed extension will sit at the same height as 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 3.3 metres from the rear wall of the original dwellinghouse. The overall height of the proposed extension does not exceed the 4 metres limit for a detached dwellinghouse. 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;**

N/A.

(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;

The proposed extension is at no point to come within 2 metres of the boundary. However the proposed eaves will sit at 2.45 metres in height. 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 dwelling has not been previously extended, and therefore J(a) is not applicable.

(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 which does not conflict with any of the criteria laid out in Paragraph A.1 (k).

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

5a Rowton Grange 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;

Revised plans show that the proposed extension is to be constructed from pebble dash render and red rosemary 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: 17th January 2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council