

DELEGATED DECISION REPORT

HPK/2022/0562
Valid 23/12/2022

1 HAWK ROAD
NEW MILLS

LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED REAR DORMER
LOFT CONVERSION

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

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

DESCRIPTION OF SITE

The application relates to No.1 Hawk Road, a semi-detached residential bungalow that lies within the built-up area boundary of New Mills on a site not constrained by any statutory designation. The site has no previous planning history with permitted development rights remaining intact.

PROPOSAL

The application seeks a Certificate of Lawful Development for a flat roof rear dormer window serving an additional bedroom in the roof space of the property.

OFFICER COMMENTS

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

The property benefits from Permitted Development rights under Schedule 2, Part 1, Class B which permits "*the enlargement of a dwellinghouse consisting of an addition or alteration to its roof.*"

Subject to compliance with parameters set out under Paragraph B.1, the proposed development would comprise permitted development, thus not requiring planning permission, allowing the Certificate to be granted. An assessment of the application against such parameters is carried out below.

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

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

The dwelling has been long established and has not been subject of any previous changes of use. The application is therefore compliant with Paragraph B.1(a)

- (b) **any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The plans clearly show that the proposed dormer window would not exceed the height of the ridgeline of the main roof and as such the application is compliant with Paragraph B.1(b).

- (c) **any part of the dwellinghouse would as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**

The proposed plans show the dormer window to be sited to the rear of the dwelling not fronting a highway and as such the application is compliant with Paragraph B.1(c).

- (d) **the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than –**

- (i) **40 cubic metres in the case of a terrace house, or**
- (ii) **50 cubic metres in any other case;**

The existing property is semi-detached which therefore allows for a maximum volume of 50 cubic metres. The proposed dormer has been calculated as having a total volume of 43.8 cubic metres and as such is within the parameters set out under Paragraph B.1(d).

- (e) **it would consist of or include –**

- (i) **the construction or provision of a verandah, balcony or raised platform, or**
- (ii) **the installation, alteration or replacement of a chimney, flue or soil and vent pipe**

None of the above aspects of development are shown to be incorporated into the proposed development and as such the application is compliant with Paragraph B.1(e).

- (f) **the dwellinghouse is on article 2(3) land**

The site is not constrained by any statutory designation. The application is thus compliant with Paragraph B.1(f).

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

N/A

- (h) **the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys)**

N/A

In terms of the conditions listed in paragraph B.2, the dormer would have concrete tiles to the cheeks, and therefore complies with B.2 (a). Moreover although the proposals include a side facing window in the existing side wall, this would not breach Class A.3. (b) (ii) as it would only open at a height of 1.7m above internal floor level and be obscure glazed.

CONCLUSION / PLANNING BALANCE

The above assessment confirms that the proposed dormer window complies with the relevant parameters set out under Schedule 2, Part 1, Class B, Paragraph B.1 and thus constitutes permitted development, subject to all relevant conditions set out under Paragraph B.2. Moreover the side facing window complies with Class A, paragraph A.3 ((b) (ii)).

The relevant conditions are that the materials to be used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwelling, and that the proposed enlargement must be constructed so that the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves.

The plans confirm that such conditions are adhered to, with the dormer constructed from matching concrete tiles positioned 0.2m above the eaves level, and as such the proposed dormer window constitutes permitted development.

Based on the above analysis, it is therefore recommended that the Certificate be granted.

OFFICER RECOMMENDATION : Grant Certificate

Case Officer: James Stannard

Recommendation Date: 13th February 2023

X *J Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council