

DELEGATED DECISION REPORT

HPK/2023/0016
Valid 18/01/2023

11 MEADOWS ROAD
HAYFIELD

CERTIFICATE OF A
LAWFULNESS FOR A
PROPOSED GARAGE
CONVERSION AND
ALTERATIONS TO WINDOWS
AND DOORS

(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

11 Meadows Road is a red brick semi-detached property with small, two-storey side extension. To the front of the property there is a driveway which could accommodate 1 car parking off-the street.

To the rear of the property is a single storey garage extension, accessed from The Croft.

Internally side extension is used as a galley kitchen. The original house has a large hall space with stairs to the upper floor. There is also a large lounge and dining room on the ground floor. On the upper floor are three bedrooms, and bathroom. Above the kitchen is a long room, accessed via bedroom 3.

PROPOSAL

This application seeks to convert the existing garage into a snug. This will be achieved by bricking up the existing garage doorway, and small window which served the existing dinning room. This will be done to match the existing property. the existing window serving the living room will be enlarged to create bi-fold doors to the rear garden.

Internally, the ground floor will become more open plan. The kitchen will be moved to the existing dining room, with a wall removed to create an open plan, living, dining and kitchen area. the front section of the existing kitchen will become a utility with W/C. the first floor will remain unchanged.

OFFICER COMMENTS

11 Meadows Road benefits from permitted development rights. The proposed development includes several internal alterations. Section 55 (2) (a) (i) of the Town and Country Planning Act 1990 states that **alteration works which affect only the interior of the building is not considered development**. As such the proposed internal works and conversion of use of the garage are considered to comply with Section 55.

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 alterations do not increase the footprint of the existing property. As such the proposal. As such no more of the curtilage will be development than at present. As such Paragraph A.1 (b) is not relevant.

(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;

It is not proposed to increase the existing footprint of the property. As such Paragraph A.1 (c) is not relevant.

(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;

It is not proposed to increase the existing footprint of the property. As such Paragraph A.1 (d) is not relevant.

- (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;

It is proposed to close the existing garage opening and window on the rear wall. It is further proposed to enlarge a rear window to become bi-folding doors. However these alterations will not enlarge the dwellinghouse, as such the proposal complies 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 proposal will not enlarge the existing building and as such 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;

The proposed extension does not increase the footprint of the dwellinghouse and as such complies with Paragraph A.1 (g).

- (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 development does not extend the existing building and as such Paragraph A.1 (h) is not relevant.

- (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;**

It is proposed to convert the existing garage. While the garage is within 2 metres of the boundary it is not proposed to further enlarge the garage. 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 does not propose to alter the existing side extension, which was previously granted planning permission. 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);**

While it is proposed to alter the window and door openings it is not proposed to enlarge the existing dwellinghouse. 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 does not propose to construct any verandah, microwave antenna or chimneys. Furthermore the application does not propose to alter any portion of the roof of the dwelling house. As such the proposal 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)**

11 Meadows Road 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

It is proposed to block the existing garage door, and a single rear window on the ground floor. It is further proposed to introduce side facing French doors to the existing garage. However these doors will be on the ground floor and as such the application complies with Paragraph A.3 (b).

(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.

It is not proposed to enlarge the dwelling house and as such Paragraph A.3 (c) is not relevant.

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: 24th January 2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council