

DELEGATED DECISION REPORT

HPK/2023/0028
Valid 26/01/2023

34 CHAPEL ROAD
WHALEY BRIDGE

LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED REAR DORMER
LOFT 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 B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

DESCRIPTION OF SITE

34 Chapel Road is an end-terraced property, screened from Chapel Road by a high boundary wall and mature vegetation. The front elevation is narrow with 2 windows, the side elevation hosts the front doorway, with windows of irregular size and placement. No. 34 is constructed of stone, with a slate roof and upvc windows.

PROPOSAL

The application seeks a Certificate of Lawful Development for a proposed loft conversion and introduce a roof extension in the form of a dormer window. It is proposed to introduce a dormer window in the valley/recess between the pitched roof on both the front and rear portions of the property. Revised plans show the side dormer window to be non-opening and obscure glazed.

It is also proposed to alter an existing window on the side elevation, creating large bi-folding doors. An existing door on the same side elevation will be turned into a long glazed window.

OFFICER COMMENTS

34 Chapel Road benefits from permitted development rights. As such, in the event that the proposed development complies with Schedule 2, Part 1, Class B of the General Permitted Development Order (GPDO), a Certificate can be granted. An

assessment of the proposed development against the relevant criterion of class B is undertaken as follows:

Class B

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

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 property has no planning history which shows any previous change of use. The application is thus compliant with Paragraph B.1 (a)

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

The flat roof of the dormer window will not exceed the highest part of the existing ridge line. As such the proposal complies 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 dormer window will be located on the rear elevation of the existing roof, not facing a highway, thus complying 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 application site is an end terrace property. The proposed dormer will not exceed 50 cubic metres will comply with 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;

This application does not proposed a verandah, balcony, raised platform or installation or alteration of chimney, flue or soil and vent pipe. As such the application complies with Paragraph B.1 (e).

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

The application site is not on article 2(3) land, complying with Paragraph B.1 (f).

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

34 Chapel Road was not built under Part 20 of Schedule 2, thus complying with Paragraph B.1 (g).

(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).

34 Chapel Road was not enlarged in reliance on the permission granted by Class AA of Part 1 of Schedule 2 of the GPDO (2015). As such the application complies with Paragraph B.1 (h).

B.2 Development is permitted by Class B subject to the following conditions—

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

It is proposed that the rear and side elevation of the dormer are finished in tiles to match the existing roof. The other north-west side elevation is to be finished in stone to match the sidewall of the dwelling. As such the proposal with Paragraph B.2 (a).

(b) the enlargement must be constructed so that—

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) 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; and

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

The proposed dormer window will be flush against the existing side elevation of the dwelling. The proposed dormer also alters the existing valley between two roof lines, however this is not considered to be the eaves. It will however be 0.2 meters away from the eaves. As such the proposal complies with B.2 (b)

(c) any window inserted on 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.

There will be one window located on the side of the dormer. Revised plans show this window to be obscure glazed and non-opening. As such this complies with Paragraph B.2 (c).

In relation to the proposed window and door elevation it is felt that these are not considered to be development because they will not materially alter the appearance of the dwelling in line with the Town and Country Planning Act 1990 Section 55 (2)(a) Which states that:

The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land – (a) the carrying out for the maintenance, improvement or other alteration of any building of works which – (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building.

CONCLUSION / PLANNING BALANCE

In conclusion, the proposed development dormer window (200A-Proposed Plans) is considered to be in accord with Schedule 2, Part 1, Class B of the GDPO and as such it is recommended that a Certificate be granted.

OFFICER RECOMMENDATION : Approval

Case Officer: Rachel Robinson

Recommendation Date: 23rd March 2023

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council