

DELEGATED DECISION REPORT

**HPK/2023/0165
VALID 25/04/2023**

**9, BIRCH GREEN,
GLOSSOP, DERBYSHIRE,
SK13 8PR**

**LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED GARAGE
CONVERSION (CERTIFICATE
OF LAWFULNESS –
PROPOSED)**

MAIN ISSUES

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

DESCRIPTION OF SITE

The application property is a two storey detached dwelling which lies within the settlement boundary for Glossop as defined by the Local Plan policies map. The dwelling has a lean-to projection to the front and has been extended previously with extensions to the side and rear. Permitted Development Rights remain intact for the dwelling.

PROPOSAL

The application seeks a Lawful Development Certificate for the proposed conversion of the integral garage to form additional accommodation. Therefore, the application seeks confirmation that the proposed development complies with all parameters set out under Schedule 2, Part 1, Class A of the General Permitted Development Order (GPDO).

OFFICER COMMENTS

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

Schedule 2, Part 1 of the GPDO refers to development that lies within the domestic curtilage of a residential dwellinghouse. Specifically, Class A permits the enlargement, improvement or other alteration of a dwellinghouse, subject to compliance with all criteria set out under Paragraph A.1 and conditions set out under Paragraph A.3.

The proposed alterations to windows and doors would fall within an “other” alteration to the dwellinghouse.

An assessment of the proposed development against these criteria is carried out below:

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 dwelling has not been subject to a change of use under the GDPO. The development complies.

(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 site benefits from a rear garden. The proposed development would not result in the loss of more than 50% of the curtilage. The development complies.

(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 proposed alterations would not exceed the height of the highest part of the dwelling. The development complies.

(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 alterations would not result in any changes to eaves height. The development complies

(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 development affects the front elevation, however the proposals do not extend beyond the existing wall. The development complies.

(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;**

Works are contained to the front. The development complies.

(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;**

Not applicable

(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;**

Not applicable

(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 dwelling would not be enlarged. The development complies.

(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 dwelling would not be enlarged. The development complies.

(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 works relate to the original dwelling. The development complies.

(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 proposed extension does not include any of the above aspects of development. The development complies.

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

Not applicable.

Conditions

The above analysis confirms that the proposed development complies with all relevant criteria set out under Paragraph A.1.

The proposed changes to the front elevation would not materially alter the character and appearance of the original dwelling and as such constitutes permitted development, subject to compliance with conditions set out under Paragraph A.3.

The only relevant condition to this proposal within Paragraph A.3 is criterion (a), that requires the materials in any external works be of a similar appearance to that used in the construction of the main dwellinghouse. Plans have been provided to demonstrate that the openings would be similar to existing while demonstrating brickwork.

As such, it is concluded that the proposed external works constitutes a permitted form of development that does not require planning permission and is therefore lawful.

CONCLUSIONS

It is considered that the proposals would comply with the parameters and limitations set out in A.1, and adhere to the conditions set out in A.2. Therefore it is recommended that the Certificate be granted.

OFFICER RECOMMENDATION: Grant Certificate

Case Officer: Declan Cleary

Recommendation Date: 15/06/23

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council