

DELEGATED DECISION REPORT

HPK/2023/0164
Valid 02/05/2023

36 HAGUE BAR
NEW MILLS

CERTIFICATE OF
LAWFULLNESS FOR
PROPOSED LOFT
CONVERSION AND REAR
DORMER

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether the proposal complies with the provisions of Schedule 2 Part 1 Class A and B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

DESCRIPTION OF SITE

The application site is an end of terrace dwelling located in New Mills. The site is located within the Green Belt.

PROPOSAL

The proposed development is for the construction of a flat roof rear dormer. The application site benefits from its householder permitted development rights.

This application seeks a determination as to whether the proposed development meets the requirements for a certificate of lawfulness. In this particular instance the relevant part of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) to consider is Schedule 2 Part 1 Class B.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The proposal is assessed against the provisions of Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

CONSULTATIONS

Publicity

Site Notice expiry date: N/A

Neighbour consultation period ends: N/A

Press Advert: N/A

Public Comments

N/A

Town / Parish Comments

N/A

OFFICER COMMENTS

In order to be permitted development, the proposed work needs to satisfy a number of criteria as comprised in Part 1 Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for 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 M, N, P, PA or Q of Part 3 of this Schedule (change of use)

Permission for use as a dwellinghouse was not granted by virtue of class M, N, P or Q of Part 3.

(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 proposal would not exceed the height of the highest part of the existing roof.

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 proposal does not extend beyond the plane of the principle elevation roof slope and does not front a highway

(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

For the purposes of Class B “resulting roof space” means the roof space as

enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

The proposal relates to a terrace house and does not exceed 40 cubic metres

(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

The proposal does not consist of any of the above.

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

The dwellinghouse is not on article 2(3) land.

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

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

The proposed materials will have a similar appearance to those used in the construction of the exterior of the dwellinghouse.

(b) the enlargement shall 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 shall, so far as practicable, be 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

The eaves of the original roof are maintained, and the side wall of the dormer is more than 0.2m from the edge of the eaves.

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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

The proposal does not consist of any of the above.

CONCLUSION / PLANNING BALANCE

The proposed materials will have a similar appearance to those used in the construction of the exterior of the existing dwelling, and as such the proposal meets the criteria for Class B to be considered permitted development. For the reasons above it is recommended that a Certificate should be approved.

OFFICER RECOMMENDATION :

That consent for a certificate of lawfulness be granted.

Case Officer: Rebecca Bowers

Recommendation Date: 07.06.2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council