

DELEGATED DECISION REPORT

HPK/2023/0190
Valid 10/05/2023

101 THE BIRCHES NEW
MILLS ROAD
HAYFIELD

APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
PROPOSED FOR SINGLE
STOREY REAR EXTENSION

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether the proposed development is compliant with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and therefore whether or not the proposed development requires planning permission

DESCRIPTION OF SITE

The application relates to No. 101 'The Birches' New Mills Road, Hayfield, a two storey semi-detached property that is not constrained by any statutory designation and retains permitted development rights, including those under Schedule 2, Part 1, Class A of the GPDO that relate specifically to domestic extensions and alterations.

PROPOSAL

The application seeks a Certificate of Lawful Development for a single storey rear extension, on the basis that the proposed extension does not require planning permission owing to its compliance with all relevant parameters contained within Schedule 2, Part 1, Class A of the GPDO.

OFFICER COMMENTS

Whether the proposed development is compliant with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and therefore whether or not the proposed development requires planning permission

Schedule 2, Part 1, Class A of the GPDO permits the enlargement, improvement or other alteration of a dwellinghouse. In order to be compliant, a development must accord with all criterion set out under Paragraph A.1 and all relevant conditions set out under Paragraph A.3. An assessment of the proposal against such criteria is carried out 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 site has not been subject to any planning history, has never accommodated any other use, and as such the development is 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 site benefits from a modest sized plot, which spans a length of 20m front to back and width of 10m. When deducting the footprint of the house, which is approximately 30sqm, the total area of remaining curtilage amounts to approximately 170sqm. The total footprint of the extension totals some 15m, thus falling well below the threshold of 50%. The proposal is thus compliant with Paragraph A.1(b).

- (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 proposal is single storey and therefore compliant with Paragraph A.1(c).

- (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 proposal is single storey and therefore compliant with Paragraph A.1(d).

- (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 proposal is for a rear extension and therefore compliant 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 existing dwellinghouse is semi-detached. The proposed extension is shown to extend 3m from the original rear elevation and reaches a maximum height of 3.4m from ground floor level. The proposal is thus compliant 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;**

N/A

- (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;**

N/A

- (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 proposed extension would be located within 2 metres from the boundary of the curtilage where it borders the neighbouring property. As per the extract from the GPDO Technical Guidance contained within the Proposed Plans drawing, the eaves height, measured from the ground floor level at the base of the outside wall to the point where that wall meets the upper surface of the flat roof, is shown to be 3m, and as such the proposal is compliant 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; or**

N/A

- (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 dwellinghouse has not been subject to any previous extensions or alterations and therefore the application is compliant with Paragraph A.1(ja).

- (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; or**

The proposed extension does not include any of the above aspects of development and therefore the application is compliant with Paragraph A.1(k).

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

N/A

CONCLUSION / PLANNING BALANCE

The above assessment confirms that the proposed single storey rear extension complies with all relevant parameters contained under Paragraph A.1 and thus is permitted subject to compliance with all relevant conditions under Paragraph A.3.

The only relevant condition to this application is that the extension be built in materials that are similar in appearance to that used in the construction of the main dwellinghouse. The Existing Proposed Plans are clearly marked showing that the walls would be constructed from a matching render/brick, with roof finished in concrete tiles and joinery finished in UVPC. As such, the application demonstrates compliance with this condition.

In light of the above, it is concluded that the proposed single storey rear extension is permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and does therefore not require planning permission. The development is thus lawful and it is recommended that the Certificate should be granted.

OFFICER RECOMMENDATION : Grant Certificate

Case Officer: James Stannard

Recommendation Date: 25th July 2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council