

DELEGATED DECISION REPORT

HPK/2023/0266
Valid 27/06/2023

1, CURLEW AVENUE,
HARPUR HILL, BUXTON,
DERBYSHIRE, SK17 9UN

CERTIFICATE OF
LAWFULNESS FOR THE
PROPOSED CONSTRUCTION
OF REAR EXTENSION

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

Whether the proposed development comprises permitted development under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

DESCRIPTION OF SITE

The application site comprises a two-storey, detached dwellinghouse constructed of stone and tile materials. The property is a new build and not previously extended, it is proposed erect a single storey rear extension.

New extension measures:

- The extension projects 3150mm from the rear wall and spans 6290mm across the rear elevation
- Eaves height - 2400mm
- Max/apex height - 3270mm

The application site fronts onto Curlew Avenue.

The application site is located in Harper Hill, within a residential area.

PROPOSAL

The application seeks a Lawful Development Certificate for the proposed single storey rear extension.

SITE HISTORY

None.

OFFICER COMMENTS

In conformity with the rules stated within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is necessary to assess whether the proposed extension to the dwellinghouse adheres to the criteria stated by Schedule 2, Part 1, Class A of the GPDO, to determine whether the householder development is permitted.

Single storey side/rear extension

The dwellinghouse was not granted by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use) and therefore part (a) is not applicable.

In accordance with Class A.1 (b) of the GPDO, the ground coverage of the proposed rear extension would not exceed 50% of the total curtilage of the dwellinghouse.

Class A.1 (c) and (d) confirm that the height of the roof and eaves of the proposed extension cannot exceed beyond the maximum roof height and eaves heights of the existing dwellinghouse; otherwise, the development is not permitted. Neither the height of the roof or the eaves of the proposed extension would exceed the maximum roof or eaves heights of the existing dwellinghouse.

Class A.1 (e.i) it is confirmed that the extension would not be constructed on the principal elevation of the dwelling.

Class A.1 (f) and (g) relate to rear extensions are applicable to the proposed extension.

Class A.1 (f) states that 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
- (ii) exceed 4 metres in height;

The enlarged part of the dwellinghouse does not have more than a single storey and is not more than 4m high (it is 3.27m high) and does not extend from the original rear wall by more than 4m (it projects 3.15m), therefore, Class A.1 (f) is satisfied.

Class A.1 (g) is not applicable. Nor is Class A.1 (h) as two storeys is not proposed.

Class A.1 (i) states that if the proposed extension would be positioned 2 metres from the curtilage boundary of the dwelling, the eaves height of the proposed extension cannot be above 3 metres.

The extension would be sited within 2 metres from the curtilage boundary and the eaves height will be 2.40m (under 3 metres).

Class A.1 (j) states that the enlarged part of the dwellinghouse cannot extend beyond a wall forming a side elevation of the original dwellinghouse, unless it abides by certain criteria. N/A as the extension will not extend beyond a side wall of the original dwellinghouse.

The proposed extension will therefore comply with Class A.1 (j). With regard to Class A.1 (ja), any total enlargement including the addition of further enlargements to existing enlargements, cannot exceed the limits set out in Class A.1 (e) to (j). Class A.1 (ja) is not applicable to the proposed development.

The proposed extension would not include the addition of a verandah, microwave antenna, a chimney or flue or the alteration to the existing roof of the dwelling. Therefore, Class A.1 (k) is not applicable.

Class A.1 (l) is not applicable. The existing dwelling was not built under Part 20 of the Order.

The proposed site does not fall within article 2(3) land; therefore Class A.2 does not apply.

In accordance with Class A.3 (a), all proposed materials are set to match those used in the construction of the existing dwelling, whilst A.3 (b) and (c) are not applicable to the proposed extension as it will not have more than one storey.

Permitted development rights remain intact.

The proposed single storey rear extension will comply with Class A, Part 1, Schedule 2 of the GPDO.

CONCLUSION / PLANNING BALANCE

For the reasons outlined above, the proposed single storey rear extension conforms with the rules stated within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - adhering to the criteria stated by Schedule 2, Part 1, Class A of the GPDO - the householder development is permitted.

OFFICER RECOMMENDATION: **Issue a POSITIVE Certificate**

Case Officer: Pet Twigg

Recommendation Date: 21.08.2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council