

DELEGATED DECISION REPORT

HPK/2023/0259
VALID 27/06/2023

24 BRAESIDE, TURNLEE
ROAD, SIMMONDLEY,
GLOSSOP, DERBYSHIRE,
SK13 6JS

LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED DORMER LOFT
CONVERSION TO THE REAR
ELEVATION (CERTIFICATE OF
LAWFULNESS – PROPOSED)

MAIN ISSUES

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

DESCRIPTION OF SITE

The application dwelling is a two storey semi-detached property which lies within the settlement boundary for Simmondley as defined by the Local Plan policies map. Permitted Development Rights remain intact for the dwelling.

PROPOSAL

The application seeks a Lawful Development Certificate for a proposed rear dormer, suggesting that the proposed development complies with all parameters set out under Schedule 2, Part 1, Class A and B of the General Permitted Development Order (GPDO).

OFFICER COMMENTS

Whether the proposed development complies with the relevant parameters under Schedule 2, Part 1, Class B 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 B permits the additions etc to the roof of a dwellinghouse, subject to compliance with all criteria set out under Paragraph B.1 and conditions set out under Paragraph B.2.

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

B. Additions etc to the roof of a dwellinghouse

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 (changes of use);

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

(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 proposed works would not exceed the height of the highest part of the existing roof. The development complies.

(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 development would be sited to the rear and would project from rear and side roofslopes which are not the principal elevation which fronts a highway. The development complies.

(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 dwelling is a semi-detached property and as such (d)(ii) is relevant. The proposed roof extensions would not increase the cubic content of the original roof space by more than 50 cubic meters. The development complies.

(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 or include any of the above works. The plans show a Juliet balcony, however in accordance with the technical guidance a “Juliet balcony” where there is no platform and therefore no external access would normally be permitted. The development complies.

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

The dwellinghouse is not on Article 2(3) land. The development complies.

B.2 Conditions

The above analysis confirms that the proposed development complies with all relevant criteria set out under Paragraph B.1 and as such constitutes permitted development, subject to compliance with conditions set out under Paragraph B.2.

- (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

The application submission indicates that the development would be carried out in hung concrete tiles to match the existing. The dormer would therefore be constructed from materials of similar appearance to the existing dwellinghouse.

(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;

The eaves of the original roof would be maintained. The development complies.

(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;

The development would not be less than 0.2m from the outside edge of the eaves of the original roof. The development complies.

- (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 development would not extend beyond the outside face of any external wall of the original dwellinghouse. The development complies.

CONCLUSIONS

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

OFFICER RECOMMENDATION: Grant Certificate

**Case Officer: Declan Cleary
Recommendation Date: 31/07/23**

X *J Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council