

DELEGATED DECISION REPORT

HPK/2023/0207
VALID 26/06/2023

1A, HOLKER ROAD,
BUXTON, DERBYSHIRE,
SK17 6QN

LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED - CONSTRUCTION
OF A BEDROOM LOFT
CONVERSION OVER AN
EXISTING GARAGE
ATTACHED TO AN EXISTING
HOUSE. TWO NEW
SKYLIGHTS IN FRONT
ELEVATION ROOF TO MATCH
EXISTING (CERTIFICATE OF
LAWFULNESS – PROPOSED)

MAIN ISSUES

Whether the proposed development complies with the relevant parameters under Schedule 2, Part 1, Classes A and 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 detached property which lies within the settlement boundary for Buxton as defined by the Local Plan policies map. The building has been extended previously with a single storey side extension.

PROPOSAL

The application seeks a Lawful Development Certificate for a proposed dormer within the roof slope of the side garage, suggesting that the proposed development complies with all parameters set out under Schedule 2, Part 1 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 works are attached to the side elevation of the existing dwelling and as such the extension needs to be considered against Class A. Additionally, the works are attached to an earlier single storey side extension constructed under planning permission HPK/0003/7509 (Extension to Side to Form Garage).

An assessment of the proposed development against this 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 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 extension does 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 extension does not alter the eaves height and does not exceed the highest eaves height of the existing dwelling. 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 proposed works are located to the rear, however the existing garage extension projects forward of the principal elevation. The development does not comply under (ja).

(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 proposed works are not for a single storey rear extension. 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 extension would be located within 2 metres of the boundary of the curtilage of the dwellinghouse and the eaves height of the dormer would exceed 3m. The development does not comply.

(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 development is attached to a side wall of the dwelling. The extension would have a height which exceeds 4m and have more than a single storey. The extension, cumulatively, is also more than half the width of the original dwelling. The development does not comply.

(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 proposed extension is shown to be connected to an earlier extension. For the reasons set out above, the development does not comply.

(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

As the proposal does not comply with the limitations of Class A.1, it is not necessary to consider whether the development meets the conditions set out under Paragraph A.3.

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 this 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 side and rear elevations which are not the principal elevation which fronts a highway. While visible from the public highway, the proposed works would not extend beyond the plane of the existing roof. 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 detached property and as such (d)(ii) is relevant. The proposed roof extensions would result in cumulative additions amounting to 50 cubic meters. The proposals 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 development complies.

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

The dwellinghouse lies within the Buxton Conservation Area (Hardwick) and as such is on Article 2(3) land. The development does not comply.

B.2 Conditions

As the development does not comply with the limitations set out in B.1 it is not necessary to consider the proposed development against the conditions.

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

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

The development complies

(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

The submitted section shows the roof light flush with the existing roof plan. The development complies.

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

The development complies

(d) it would consist of or include— (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment;

The development does not include any of the identified developments. The development complies.

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

The house was not built under Part 20. The development complies.

Conditions

The conditions relate to works in the roof slope forming the side elevation and as such are not applicable.

CONCLUSIONS

It is considered that the proposals would fail to comply with the parameters and limitations set out in A.1 and B.1, and as such would not be lawful. Therefore it is recommended that the Certificate be refused.

OFFICER RECOMMENDATION: **Refuse Certificate**

Case Officer: Declan Cleary

Recommendation Date: 31/07/23

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council