DELEGATED DECISION REPORT

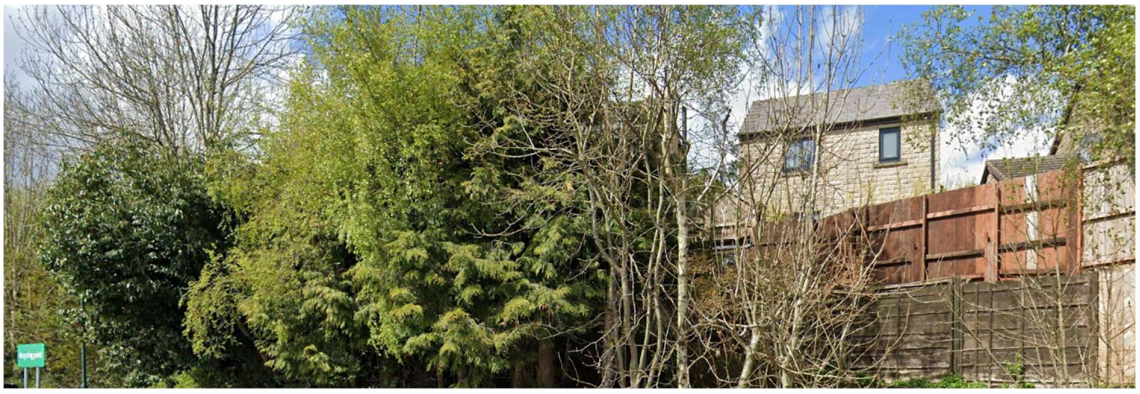
HPK/2023/0248 **Valid 19/06/2023**	**18, DANESWAY, CHAPEL-EN-LE-FRITH, DERBYSHIRE, SK23 0JH**	**LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED REAR DORMER (CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES
Whether the proposed development comprises permitted development under Schedule 2, Part 1, Class B 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. The property has not been previously extended.

The application site fronts onto Danesway.

The application site is located in Chapel-en-le-Frith, within a residential area and backs onto Morrison supermarket car park.



PROPOSAL
The application seeks a Lawful Development Certificate for a rear dormer (volume 28 sqm).

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 B of the GPDO, to determine whether the householder development is permitted.

Rear Dormer

Under Class B the following limits and conditions apply:

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) **Not Applicable**

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof **Not Applicable as the plans show the dormer will not exceed the height of the highest part of the roof of the existing house.**

(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 dormer is to the rear of the property and is not on the principal elevation that fronts 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, **Not Applicable** or

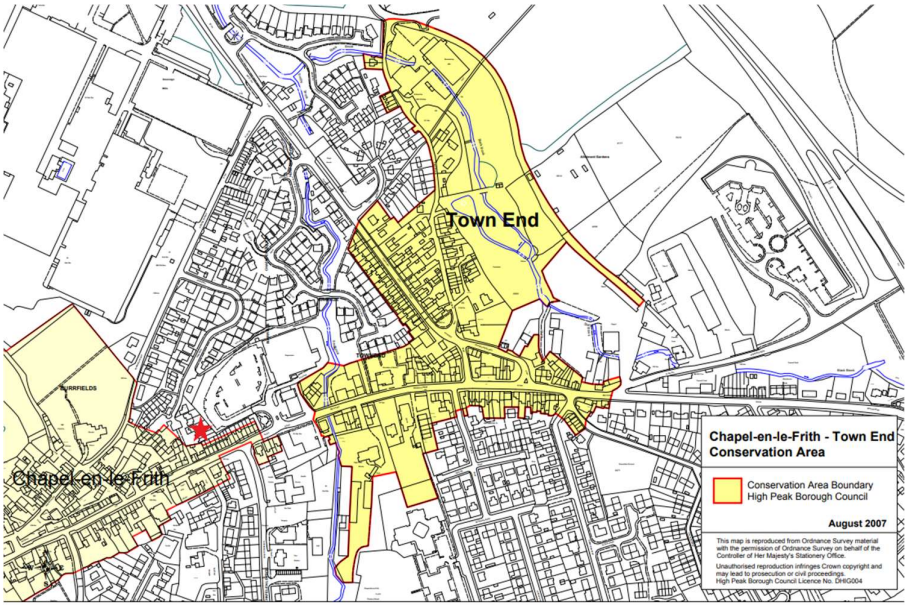
(ii) 50 cubic metres in any other case **The volume of the dormer is 28sqm**

(e) it would consist of or include -

(i) the construction or provision of a verandah, balcony or raised platform, **Not Applicable** or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe **Not Applicable**

(f) the dwellinghouse is on article 2(3) land **Not Applicable, the site is not in a Conservation Area**



Conditions

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 existing dwelling's material finish is stone and tiles. Plans show stone and tiles to be use and these will have to have a similar visual appearance to the material finish of the existing house (*this does not mean that they need to be the same materials or match exactly, just be finished using materials that give a similar visual appearance to existing house. So the materials used for facing a dormer should appear to be of similar colour and design to the materials used in the main roof of the house when viewed from ground level*). Window frames will also be similar to those in the existing house in terms of their colour.**

(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; **The eaves of the original roof are maintained** 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 **The set back is +200mm**

(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 **Not Applicable**

(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 window on the side elevation of a house will be obscure glazed minimum of level 3 and non-opening apart from the part of the window which is more than 1.7 metres above the floor of the room it is located in.

Permitted development rights remain intact.

CONCLUSION / PLANNING BALANCE
For the reasons outlined above, the proposed rear dormer 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 B of the GPDO - the proposed development is Permitted Development.

OFFICER RECOMMENDATION: Issue a POSITIVE Certificate

Case Officer: Pet Twigg
Recommendation Date: 18.08.2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council