DELEGATED DECISION REPORT

HPK/2023/0265 **VALID 20/07/23**	**36, HAWTHORN DRIVE, GLOSSOP, DERBYSHIRE, SK13 7EE**	**PROPOSED SINGLE STORY REAR EXTENSION (CERTIFICATE OF LAWFULNESS – PROPOSED)**

MAIN ISSUES

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.

DESCRIPTION OF SITE

The application dwelling is a two storey detached property which lies within the settlement boundary for Glossop as defined by the Local Plan policies map. The dwelling is of stone construction and has off street parking to the front and private amenity space to the rear.

Permitted Development rights are in tact for the property.

PROPOSAL

The application seeks a Lawful Development Certificate for a proposed single storey rear extension, suggesting that the proposed development complies with all parameters set out under Schedule 2, Part 1, Class A 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.

An assessment of the proposed development against these 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 site benefits from a reasonably large side and rear garden, and also a garden and parking to the front. 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 application is for single storey rear extension which 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 single storey extensions would have an eaves height which would not exceed the existing. 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 proposal is for a rear extension. The development complies.

(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 dwelling is a detached property. The rear extension would be single storey and extend beyond the rear wall of the original dwellinghouse by 3.5m and would have a maximum height of 3.46m. 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 rear extension would be located within 2 metres of the boundary of the curtilage of the dwellinghouse however the eaves height would be 2.5m. The development complies.

(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 rear extension does not extend beyond the side elevation of the dwelling. The development complies.

(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 not shown to be connected to any existing extension. The development complies.

(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.

A.3 Conditions

The above analysis confirms that the proposed development complies with all relevant criteria set out under Paragraph A.1 and as such constitutes permitted development, subject to compliance with conditions set out under Paragraph A.3.

The only relevant condition to this proposal within Paragraph A.3 is criterion (a), that the materials to be used in the construction of the proposed extension be of a similar appearance to that used in the construction of the main dwellinghouse.

The proposed plans annotate that the proposed extension would be constructed from materials match, in accordance with Paragraph A.3(a). As such, it is concluded that the proposed extensions constitute a permitted form of development that does not require planning permission and is therefore lawful.

CONCLUSIONS

The application proposals comply with the relevant criteria of the GPDO, and as such, it is thus recommended that the Certificate be granted.

OFFICER RECOMMENDATION: Grant Certificate

Case Officer: Declan Cleary
Recommendation Date: 08/09/23

X B.J. Haywood

Signed by: Ben Haywood

On behalf of High Peak Borough Council