

DELEGATED DECISION REPORT

HPK/2023/0396
Valid 19/09/2023

1 ROYLE AVENUE
GLOSSOP

LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED SINGLE STOREY
SIDE EXTENSION. PROPOSED
SINGLE STOREY REAR
EXTENSION.

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether or not the proposed extensions and alterations comply with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and thus whether or not planning permission is required

DESCRIPTION OF SITE

The application refers to No.1 Royal Avenue, Glossop, a two storey detached property set within a generously sized plot, within the built-up area boundary and not constrained by any statutory designation. Permitted Development rights are intact.

The property has been the subject of various applications for extension and alterations in the distant and not too distant past, which includes a first floor rear extension above a ground floor outrigger added following consent granted in 1994.

PROPOSAL

The application seeks a Certificate of Lawful Development for development described as "*Proposed Single Storey Side Extension. Proposed Single Storey Rear Extension.*"

The applicant submits that both aspects of development are lawful by virtue of the fact that the scheme as a whole is compliant with all relevant parts of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended ('the GPDO') and as such is lawful by virtue of the fact the proposals do not require planning permission.

OFFICER COMMENTS

Whether or not the proposed extensions and alterations comply with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted

Development) (England) Order 2015 as amended and thus whether or not planning permission is required

Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) relates to development within the curtilage of a dwellinghouse.

Part 1, Class A relates specifically to “*the enlargement, improvement or other alteration of a dwellinghouse*” and permits such development providing it complies with all relevant criteria set out under Paragraph A.1 and all relevant conditions under Paragraph A.3.

An assessment of the proposed development against this criteria is undertaken 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);**

A review of the planning history shows that the dwellinghouse has not come into use as such by way of a change of use and as such the application is compliant with Paragraph A.1(a).

- (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 dwellinghouse has an extensive residential curtilage that comprises a long access drive and parking area, together with a front and rear garden. As such, it is clear that the proposed development by virtue of its modest scale would not exceed the equivalent of 50% of the total area of overall curtilage, and therefore the application is compliant with Paragraph A.1(b).

- (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 Elevation Plans show that all parts of the enlarged improved or altered works would not exceed the height of the highest part of the roof of the existing dwellinghouse and thus the application is compliant with Paragraph A.1(c)

- (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 Elevation Plans show that the eaves of the enlarged improved or altered works would not exceed the height of the highest part of the roof of the existing dwellinghouse and thus the application is compliant with Paragraph A.1(d).

- (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;**

Not applicable.

- (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 rear extension does not have a depth that exceeds 4 metres and therefore the application is compliant with Paragraph A.1(f).

- (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;**

The application proposes single storey side and rear extensions and such is compliant with Paragraph A.1(h).

- (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 proposed extensions are at their closest point situated 1.9m from the boundary of the domestic curtilage. However, given that the height of the proposed eaves is found to sit at 2.7m as shown on the Elevation Plans, the application is found to comply with Paragraph A.1(i).

- (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; or**

The extension off the rear elevation that also extends beyond the side elevation has been very carefully designed so that it is not physically attached to the other side extension or the existing two storey rear extension. As a result, the proposed extension that is attached to the rear elevation and protrudes beyond the side gable does not have a width greater than half the house. The plans clearly show that the extensions have a height that does not exceed 4m and are all single storey.

As such, the proposed development complies with Paragraph A.1(j).

- (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 side and rear extensions have been very deliberately designed so that they are detached from each other and from the existing two storey rear extension, so that they are not connected internally. As a consequence, the application is compliant with Paragraph A.1(ja).

- (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; or**

Whilst the Elevation Plans as submitted with the application clearly showed no construction or provision of a verandah, balcony, raised platform or microwave antenna (as referred within the Supplementary Design Statement), they do show the provision of a chimney or flue which extends above the aspect that serves the Extended Lounge as shown on the Proposed Floor Plans.

Having been made aware of this fact, the applicant has submitted revised Elevation Plans showing the omission of the flue, thereby demonstrating compliance with Paragraph A.1(k).

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

Not applicable

CONCLUSION / PLANNING BALANCE

The above assessment confirms that the proposed extensions to the existing dwellinghouse comply with all relevant parameters set out under Paragraph A.1.

Conditions set out under Paragraph A.2 relates solely to Article 2(3) land and are not applicable to this application.

The sole condition set out under Paragraph A.3 that is relevant to this application is the requirement for the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the main house.

The Elevation Plans show each element of the proposed extensions to be finished in materials that are consistent with those used in the main house and as such the proposal complies with all conditions set out under Class A.

It is therefore recommended that the Certificate of Lawful Development be granted.

OFFICER RECOMMENDATION : Grant Certificate

Case Officer: James Stannard

Recommendation Date: 14th November 2023

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council

