DELEGATED DECISION REPORT

HPK/2023/0481 **Valid 06/11/2023**	**3 BARNSFOLD COURT** **HAYFIELD**	**APPLICATION FOR LAWFUL DEVELOPMENT FOR - PROPOSED GARAGE CONVERSION** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

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

DESCRIPTION OF SITE

A modern detached 2 storey dwelling with attached single storey garage to the side.

PROPOSAL

A Certificate of Proposed Lawful Development is sought to confirm that planning permission is not required from the LPA to convert the garage to living accommodation.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0003/0713 Renewal Of Outline Planning Permission For Residential Development (026155 & 028364) APPROVED

HPK/0003/3806 86 Dwellings APPROVED

HPK/2006/0391 Extension Comprising A Ground Floor Link Between The Property And Its Adjacent Garage To Form Office/playroom APPROVED

HPK/2009/0054 Two Storey Side Extension APPROVED

CONSULTATIONS

N/A

Officer Comments

3 Barnfold Court benefits from permitted development rights. As such, in the event that the proposed development complies with Schedule 2, Part 1, Class A of the General Permitted Development Order (GPDO), a Certificate can be granted. An

assessment of the proposed development against the relevant criterion of class A is undertaken as follows:

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 property has no planning history that shows any previous change of use. The application is thus 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 proposed garage conversion will not increase the size of the existing building. As such the proposal will not impact upon the area covered. The application is thus 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 proposed garage conversion will not alter the height of the roof and will not include any extension. The application is thus 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 proposed garage conversion will not alter the eaves height and will not include and extension to the existing dwellinghouse. The application is thus 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;

The proposed garage conversion will not include any extension beyond either the principle, nor side elevations. The application is therefore compliant with Paragraph A.1 (e).

(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 garage conversion will not extend the existing dwelling house in any form. Therefore, the application complies 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;

The proposed garage conversion will not extend the existing dwelling house in any form. As such the application complies with Paragraph A.1 (g).

(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 proposed conversion will not create a second storey and therefore complies 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 conversion will not add mass to the existing building. As such the application complies 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;

The proposed conversion will not add mass to the existing building. As such Paragraph A.1 (j) is not relevant.

(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 proposal will not add to any previous extensions. As such Paragraph A.1 (ja) is not relevant in this case.

(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 application relates to a garage conversion which does not conflict with any of the criteria laid out in Paragraph A.1 (k).

(l) the dwellinghouse is built under Part 20 of this schedule (construction of new dwellinghouses)

3 Barnsfold Court was not built under Part 20 of Schedule 2 of the GPDO. Therefore the application complies with Paragraph A.1 (l).

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

(d) 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 (b) and (c).

The application site is not on article 2(3) lands. As such Paragraphs A.2 (a) through (d) are not relevant in this case.

A.3 Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposed alterations will be of matching materials to the existing dwellinghouse. The garage door will be made good with matching materials. All windows and doors

to be inserted will be of materials to match those of the existing dwellinghouse. As such the application complies with Paragraph a.3 (a).

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must 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; and

The proposed new windows and doors will not be located on an upper floor or roof slope forming a side elevation. Paragraph A.3 (b) is therefore not relevant.

(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The application relates to a single storey garage conversion therefore Paragraph A.3 (c) are not relevant in this case

Further to the above, the Town and Country Planning Act 1990 Section 55 (2) (a) allows for internal alterations without planning permission. As such the proposed garage conversion is considered lawful in relation to its internal alterations.

CONCLUSION / PLANNING BALANCE

In conclusion, the proposed development extension is considered to be in accord with Schedule 2, Part 1, Class A of the GDPO and as such it is recommended that a Certificate be granted.

OFFICER RECOMMENDATION : Approval

Case Officer: Rachel Robinson
Recommendation Date: 27th December 2023

X B.J. Haywood

Signed by: Ben Haywood

On behalf of High Peak Borough Council