

DELEGATED DECISION REPORT

HPK/2023/0440
Valid 11/10/2023

HILLSWOOD SIMMONDLEY
LANE
SIMMONDLEY
GLOSSOP

APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR
PROPOSED GARDEN STUDY
AND HOME GYM ROOM

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

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

DESCRIPTION OF SITE

The dwellinghouse known as 'Hillswood' is a semi-detached property of red brick. 'Hillswood' has previously had a single storey side extension to form a flat roofed front porch and garage. 'Hillswood' benefits from a large gravel driveway within its curtilage providing offstreet parking for approximately 3 vehicles. The garage provides a further off-street parking space for a 4th vehicle.

PROPOSAL

It is proposed to construct an outbuilding, serving as a study and home gym to the rear of Hillswood. The outbuilding will be 3M at its tallest point, no closer than 2M to any curtilage boundary and finished in timber cladding.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2023/0197 - Proposed single storey extension internal alterations and dormer window. APPROVED

OFFICER COMMENTS

Hillswood benefits from permitted development rights. As such, in the event that the proposed development complies with Schedule 2, Part 1, Class E of the General Permitted Development Order (GPDO), a Certificate can be granted. An assessment of the proposed development against the relevant criterion of class E is undertaken as follows:

E. The provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.**

Development not permitted

E.1 Development is not permitted by Class E if—

- (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);**

Hillswood has not been granted planning permission as a dwellinghouse under any of the relevant classes. As such the proposal complies with E.1 (a)

- (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (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 outbuilding will not cover more than 50% of total area of the curtilage. The proposed outbuilding therefore complies with paragraph E.1 (b).

- (c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;**

The proposed outbuilding will be located at the rear most portion of the curtilage. no part of the proposed building will be located forward of the principal elevation. As such the proposal complies with paragraph E.1 (c).

- (d) the building would have more than a single storey;**

The outbuilding will be of a single storey, complying with paragraph E.1 (d).

- (e) the height of the building, enclosure or container would exceed—**
 - (i) 4 metres in the case of a building with a dual-pitched roof,**

The proposed building will have a single pitched roof. As such paragraph E.1 (e)(i) is not relevant in this case.

- (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or**

The proposed building will not be located within 2 metres of the boundary of the curtilage of the dwelling house at any point. As such paragraph E.1 (e)(ii) is not relevant.

(iii) 3 metres in any other case;

At its tallest point the proposed building will be 3M in height. As such the proposal complies with paragraph E.1 (e)(iii).

(f) the height of the eaves of the building would exceed 2.5 metres;

Revised plans demonstrate that the proposed eaves height will be 2.5M at its highest point. As such this complies with paragraph E.1 (f).

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

The proposed building is not in the curtilage of a listed building and so paragraph E.1 (g) is not relevant.

(h) it would include the construction or provision of a verandah, balcony or raised platform;

The proposal does not involve the construction of a verandah, balcony or raise platform, complying with paragraph E.1 (h).

(i) it relates to a dwelling or a microwave antenna; or

the proposal does not relate to a dwelling or microwave antenna, as such complies with Paragraph E.1 (i).

(j) the capacity of the container would exceed 3,500 litres.; or

the proposed outbuilding will not act as a container, and will not exceed 3,500L. As such paragraph E.1 (j) is not relevant.

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

Hillswood was not built under part 20 of Schedule 2 and as such paragraph E.1 (k) is not relevant.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

(a) an area of outstanding natural beauty;

(b) the Broads;

(c) a National Park; or

(d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

The application site is not located in ant of the specified area, and as such paragraph E.2 is not relevant in this case.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Hillswood is not located in article 2(3) land, as such paragraph E.3 is not relevant.

CONCLUSION / PLANNING BALANCE

In conclusion the proposed outbuilding complies with the constraints of Class E, Part 1, Schedule 2 of the GPDO (2015). The proposed outbuilding is therefore considered to be lawful, and it is recommended that a certificate be granted.

OFFICER RECOMMENDATION : Approve

Case Officer: Rachel Robinson

Recommendation Date: 8th December 2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council