

DELEGATED DECISION REPORT

HPK/2023/0078
VALID 06/03/2023

5, ROWTON GRANGE
ROAD, CHAPEL-EN-LE-
FRITH, DERBYSHIRE, SK23
0LA

APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
PROPOSED - FOR SINGLE
STOREY REAR EXTENSION
TO CREATE A HABITABLE
LOFT SPACE INCLUDING
GABLE CONVERSION. REAR
DORMERS ARE SET BACK
FROM THE EXISTING EAVES
AND SOFFIT.
(CERTIFICATE OF
LAWFULNESS – PROPOSED)

MAIN ISSUES

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

DESCRIPTION OF SITE

The application dwelling is a two storey semi-detached property which lies within the settlement boundary for Chapel-en-le-Frith as defined by the Local Plan policies map. Permitted Development Rights remain intact for the dwelling.

PROPOSAL

The application seeks a Lawful Development Certificate for a proposed single storey rear extension, and hip to gable roof alteration with rear dormers, suggesting that the proposed development complies with all parameters set out under Schedule 2, Part 1, Class A and B 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 this 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 large side and rear garden. 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 proposed single storey rear extension 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 extension would have an eaves height which does not exceed the highest eaves height of the existing dwelling. 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 semi detached property. The rear extension would be single storey and extend beyond the rear wall of the original dwellinghouse by 3m and would have a maximum height of 3.82m. 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 not exceed 3m. 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 is attached to a side wall of the dwelling. The extension would be single storey with a height of 3.82m. The extension would not be more than half the width of the original 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.

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 appear to suggest that the proposed extension would be constructed from materials which are similar to the main dwellinghouse, in accordance with Paragraph A.3(a). As such, it is concluded that the proposed rear extension constitutes a permitted form of development that does not require planning permission and is therefore lawful.

Whether the proposed development complies with the relevant parameters under Schedule 2, Part 1, Class B 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 B permits the additions etc to the roof of a dwellinghouse, subject to compliance with all criteria set out under Paragraph B.1 and conditions set out under Paragraph B.2.

An assessment of the proposed development against this criteria is carried out below:

B. Additions etc to the roof of a dwellinghouse

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 (changes of use);

The dwelling has not been subject to a change of use under the GDPO. The development complies.

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The proposed works would not exceed the height of the highest part of the existing roof. The development complies.

(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 development would be sited to the side and rear elevations which are not the principal elevation which fronts a highway. While visible from the public highway, the proposed works would not extend beyond the plane of the existing roof. The development complies.

(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, or

(ii) 50 cubic metres in any other case;

The dwelling is a semi-detached property and as such (d)(ii) is relevant. The proposed roof extensions would result in cumulative additions amounting to 50 cubic meters. The proposals would not increase the cubic content of the original roof space by more than 50 cubic meters. The development complies

(e) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

The proposal does not consist of or include any of the above works. The development complies.

(f) the dwellinghouse is on article 2(3) land

The dwellinghouse is not on Article 2(3) land. The development complies.

B.2 Conditions

The above analysis confirms that the proposed development complies with all relevant criteria set out under Paragraph B.1 and as such constitutes permitted development, subject to compliance with conditions set out under Paragraph B.2.

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

The application submission indicates that the development would be carried out in materials of similar appearance to the existing dwellinghouse.

(b) the enlargement must 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 would be maintained. The development complies.

- (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves;**

The development would not be less than 0.2m from the outside edge of the eaves of the original roof. The development complies.

- (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**

The development would not extend beyond the outside face of any external wall of the original dwellinghouse. The development complies.

Other Matters

In support of the opinion above, the Council have reviewed a number of appeal decisions (Refs: 3288837; 3271047; 3303943; 3296636; and 3258836) where

Inspectors considered proposals that included a hip to gable and installation of a dormer can be carried out cumulatively.

In appeal decision 3288837 the Council had taken the view that the works had gone beyond what could be reasonably considered to be an “addition or alteration”. The Inspector observed that *“The GPDO does not define addition and alteration and it therefore follows whether the proposal amounts to an addition or alteration is a matter of fact and degree”*. Going on to observe that *“It seems to me that a hip to gable enlargement would almost always result in what could be termed remodelling of a roof, in that the form is changed.....given the extent of the existing roof and its supporting structure that would be retained, I find that the proposed development would constitute an addition or alteration”*. As the proposals fell within the parameters of Class B the proposals were considered to be permitted development.

A number of the other appeal decisions included extensive works to the roof, including cumulative hip to gable and rear dormers. While the issue of contention in those other appeal decisions was not whether the works could be carried out together, they do show that such works, provided that they fall within the limitations of Class B, are permitted development.

CONCLUSIONS

It is considered that the proposals would comply with the parameters and limitations set out in A.1 and B.1, and adhere to the conditions set out in A.2 and B.2. Therefore it is recommended that the Certificate be granted.

OFFICER RECOMMENDATION: Grant Certificate

Case Officer: Declan Cleary

Recommendation Date: 10/04/24

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council