

DELEGATED DECISION REPORT

HPK/2024/0031
Valid 30/01/2024

15, LEE HEAD,
CHARLESWORTH,
DERBYSHIRE, SK13 5DD

APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR A PROPOSED SINGLE
STOREY REAR EXTENSION

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether the proposed development complies with the relevant provisions of 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 relates to no. 15 Lee Head located in the Charlesworth area of Derbyshire. No. 15 is a semi-detached property located at the end of cul-de-sac position of Lee Head. The property is adjoined to no. 13 Lee Head to the south west.

PROPOSAL

This application is for a certificate of lawful development for a proposed single storey extension to the rear, and seeks confirmation that the proposed structure is permitted development and compliant with Schedule 2, Part 1, Class A of the Town and Country (General Permitted Development) (England) Order 2015.

The proposal would project 3m from the rear of the property, its width would be 6.2m, its eaves height would be approximately 2.7m and the proposed materials are to match the existing dwelling.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0002/5667 Kitchen/Bedroom Extension (Approved 5th Aug 1987)

HPK/0002/6071 Dormer Conversion (Approved 8th Jan 1988)

HPK/2014/0534 Proposal of Rear Domestic Decking (Refused 6th Jan 2015)

HPK/2023/0390 Proposed part two storey side extension, single storey rear extension, enlargement of rear dormer, new raised patio area and render to all elevations (Approved 13/12/2023)

OFFICER COMMENTS

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

The enlargement, improvement or other alteration of a dwellinghouse and the compliance with the criteria is discussed below;

- a) Not applicable. The use as a dwellinghouse has not been granted by virtue of Class M, N, P or Q of Part 3 of Schedule 2.
- 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) will not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).
- c) The height of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse.
- d) The height of the eaves of the part of the dwelling house enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse.
- e) The enlarged part of the dwellinghouse would not extend beyond a wall which
 - (i) fronts a highway, or
 - (ii) forms either the principal elevation or a side elevation of the original dwelling house.
- f) The proposal would not extend beyond the rear wall of the original dwellinghouse by more than 3 metres and it would not exceed 4 metres in height.
- g) Not applicable. This is not a submission under the Notification for Prior Approval for a Proposed Larger Home Extension.
- h) The enlarged part of the dwellinghouse will not have more than one storey.
- i) The enlarged part of the dwelling will be within 2m of the boundary of the curtilage of the dwellinghouse but the height of the eaves would not exceed 3 metres, it would measure 2.764m.
- j) The enlarged part of the dwellinghouse will not extend beyond a wall forming a side elevation of the original dwellinghouse;
- k) The proposal will not include
 - (i) the construction or provision of a veranda, 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
 - (iv) an alteration to any part of the roof of the dwelling.

With regard to Condition (a) listed under A.3 of the Order, the proposal will be constructed in materials of similar appearance to those used in the exterior of the existing dwellinghouse.

Permitted development rights appear to be intact.

CONCLUSION / PLANNING BALANCE

Therefore this development is permitted development as detailed within Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Full planning permission is thus not required, the proposed development is lawful, and it is therefore recommended that the Certificate of Lawful Development be granted.

OFFICER RECOMMENDATION : GRANT CERTIFICATE OF LAWFULNESS

Case Officer: JOHN VAN EKER

Recommendation Date: 08/03/2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council