

## DELEGATED DECISION REPORT

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HPK/2023/0556  
Valid 15/01/2024

42 HALL STREET  
NEW MILLS

APPLICATION FOR LAWFUL  
DEVELOPMENT CERTIFICATE  
FOR -  
REAR DORMER

(CERTIFICATE OF  
LAWFULNESS - PROPOSED)

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### MAIN ISSUES

- Whether the proposed development complies with the relevant parameters contained under Schedule 2, Part 1, Class B of the Town and Country (General Permitted Development) (England) Order 2015 as amended and thus whether planning permission is required.

### DESCRIPTION OF SITE

The application relates to No.42 Hall Street, New Mills, a two storey detached dwellinghouse that sits within a corner plot at the junction where Hall Street meets Longlands Road.

The existing dwellinghouse is, like its neighbours constructed in natural stone with slate tiled roofs, and is unusual in so far as it has three distinctive elevations all of which contain habitable windows.

The southern elevation contains a bay window with three other proportionate windows, whilst the northern elevation contains a rear entrance door flanked by symmetrical and proportionate windows.

The eastern elevation faces Longlands Road, and is considered for the purposes of this application to read as the principal elevation, having regard to Technical Guidance document for the General Permitted Development Order for Households. The justification for this assessment is that this elevation is characterised by ground and first floor bay windows and the main entrance to the property, as shown by the Existing Floor Plans.

The site is not constrained by any statutory designation.

### PROPOSAL

The application is seeking a Certificate of Lawful Development for development described as a 'Rear Dormer Window'.

## OFFICER COMMENTS

**Whether the proposed development complies with the relevant parameters contained under Schedule 2, Part 1, Class B of the Town and Country (General Permitted Development) (England) Order 2015 as amended and thus whether planning permission is required.**

Schedule 2, Part 1, Class B of the GDPO refers to additions to the roof a dwellinghouse and permits the “*enlargement of a dwellinghouse consisting of an addition or alteration to its roof.*”

As such a proposed dormer window will be permitted and not require planning permission if it can demonstrate compliance with all parameters set out under Paragraph B.1 and conditions set out under Paragraph B.2. An assessment of the proposal against the legislation is considered below.

### **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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);**

The dwellinghouse does not exist as a result of a previous change of use and as such the application is compliant with Paragraph B.1(a).

- (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 Elevation Plans submitted with the application confirms that the proposed dormer has a ridge line which is consistent with and does not exceed the ridgeline of the existing dwellinghouse. The application is therefore compliant with Paragraph B.1(b).

- (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;**

Whilst the proposed dormer window would front the public highway (Longlands Road) it does not extend beyond the plane of the existing roof slope which forms the principal elevation, which as discussed at the beginning of this report, is considered to be the eastern elevation.

- (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 existing dwellinghouse is detached and therefore benefits from the upper limit of 50 cubic metres. The Elevation Plans shows that the proposed dormer has a height of 2.14m, a depth of 3.14m and a length of 5.67m, culminating in a total volume of 23.3 cubic metres.

As such, the application is compliant with Paragraph B.1(d).

**(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 plans submitted with the application do not include any such aspect of development and therefore the application is compliant with Paragraph B.1(e).

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

The site is not situated within a Conservation Area or area other designation that falls within the definition of Article 2(3) Land. As such the application is compliant with Paragraph B.1(f).

**(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or**

N/A

**(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).**

N/A

## **CONCLUSION / PLANNING BALANCE**

The above analysis confirms that proposed dormer complies with all parameters under Schedule 2, Part 1, Class B of the GPDO and thus constitutes permitted development.

The proposed dormer will therefore be lawful providing that all conditions under Paragraph B.2 are complied with. An assessment of the proposal against these conditions are considered as follows:

- (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;**

At the request of Officers, the applicant was asked to submit updated plans that specified the materials to be used in the construction of the proposed dormer. These have been duly received and makes clear that the dormer would be finished in grey fibre cement slates, which are consistent with the existing roof slope.

As such the proposal aligns with this condition.

**(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; and**
  - (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; and**
- (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; and**

The plans show that the dormer is located some 0.5m from the eaves and as such the proposal is consistent with this condition.

**(c) any window inserted on 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.**

A window is present in the side elevation of the proposed dormer window which is shown to be obscure glazed and non-opening. As such this condition has been fully complied with.

In light of the above, the application demonstrates compliance with all aspects of Schedule 2, Part 1, Class B of the GPDO including all relevant conditions, and as such constitutes permitted development.

It is therefore recommended that the Certificate be granted.

**OFFICER RECOMMENDATION :     Grant Certificate**

**Case Officer: James Stannard**

**Recommendation Date: 3<sup>rd</sup> June 2024**

X *B.S. Haywood*

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Signed by: Ben Haywood

**On behalf of High Peak Borough Council**