

DELEGATED DECISION REPORT

HPK/2024/0211 Valid 17/05/2024	1 CADSTER COTTAGES CHAPEL ROAD WHALEY BRIDGE	APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED SINGLE STOREY REAR EXTENSION (CERTIFICATE OF LAWFULNESS - PROPOSED)
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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 site of 1 Cadster Cottage is located in Whaley Bridge and comprises of a two storey semi-detached dwelling house, set back from the road, with a rear garden and front driveway.

PROPOSAL

This application is for a Certificate of Lawful Development for a proposed single storey rear extension 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 5.066m its eaves height would be approximately 2.42m.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The planning applications related to the original housing developments are as follows:

Ref	Proposal	Decision	Date
HPK/0003/198	Two storey side extension	Approved	25/02/1991
HPK/2013/003	Proposed front porch extension	Approved (this was never built)	25/03/2013

Permitted development rights were not removed by these planning applications.

OFFICER COMMENTS

The property 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:

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, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use)

The property is a purpose built dwelling house and was built under any above the above cited permitted development change of use classes.

(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 ground coverage of the proposed rear extension would not exceed 50% of the total curtilage of the dwellinghouse.

(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;

(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 roof and eaves height of the proposed extension will not exceed the height of the roof or eaves of the existing dwellinghouse.

(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 extension is not located on the principal elevation of the dwellinghouse nor is the extension located on a side elevation that fronts a highway.

(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 extension would be of a single storey and extend 3M from the rear wall of the original dwellinghouse. As the dwelling house is a semi-detached property this complies with the requirements of A.1(f)(i).

The proposed extension is 3.08M in overall height and will comply with (f) (ii).

(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

This site is not within a Conservation Area or other land classified as Article 2(3).

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 that dwellinghouse

The proposed extension is single storey.

(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 extension is within 2 metres of the boundary of the dwelling house. The eaves height would be 2.42m so it complies with this restriction.

(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 extension does not extend beyond a side wall of the original dwellinghouse, as such the paragraph A.1 (j) is not relevant in this case.

(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) to (j);

Not applicable as the proposed extension does not join to a previous enlargement.

(k) it would consist of or 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, or
- (iv) an alteration to any part of the roof of the dwellinghouse.

No verandah, balcony or raised platform is proposed. Nor does the proposal include the installation of microwave antenna, a chimney or flue or the alteration to the existing roof of the dwelling.

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

Section A2 is not applicable as the site is not article 2(3) land.

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) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

The materials will match the existing materials.

The proposed single storey side extension will comply with Class A, Part 1, Schedule 2 of the GPDO.

CONCLUSION / PLANNING BALANCE

For the reasons outlined above, the proposed single storey rear extension conforms with the rules stated within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - adhering to the criteria stated by Schedule 2, Part 1, Class A of the GPDO - the householder development is permitted.

OFFICER RECOMMENDATION : Grant Certificate

Case Officer: Jennifer Robb

Recommendation Date: 09/07/2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council