

DELEGATED DECISION REPORT

HPK/2024/0246
Valid 07/06/2024

3 LINGLONGS AVENUE
WHALEY BRIDGE

APPLICATION FOR LAWFUL
DEVELOPMENT CERTIFICATE
FOR PROPOSED REAR
DORMER.

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

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

DESCRIPTION OF SITE

3 Linglongs Avenue is a bungalow finished in stone with concrete roof tiles. The dwelling is located within the Whaley Bridge Built-up Area Boundary. The dwelling has off street parking to the front of the dwelling.



PROPOSAL

It is proposed to construct a rear dormer of 17 cubic meters, with Juliet balcony. The dormer will be clad in tiles to match.

It is also proposed to change a single rear window into French doors, and to change the previously converted garage back into storage with garage doors.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

OFFICER COMMENTS

3 Linglons Avenue benefits from permitted development rights. As such, in the event that the proposed development complies with Schedule 2, Part 1, Class A and Class B of the General Permitted Development Order (GPDO), a Certificate can be granted.

An assessment of the proposed door alterations against the relevant criterion of class A is undertaken as follows:

Class A

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 property has no planning history that shows any previous change of use. The application is thus compliant with Paragraph A.1 (a)

(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 proposed door alterations would not result in an increase in the total area of ground covered by buildings within the curtilage. The works would not result in not than 50% of the curtilage being covered. As such the proposal complies with Paragraph A.1 (b).

(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 door alterations will not exceed the height of the existing dwellinghouse. The application is thus compliant with Paragraph A.1 (c).

(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 proposed door alterations would sit considerably below the eaves height of the existing dwellinghouse. The application is thus compliant with Paragraph A.1 (d).

**(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 proposed garage door alteration will be located on the principal elevation, but will not extend beyond the principal elevation. The application is therefore compliant with Paragraph A.1 (e).

**(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 door alterations will not extend beyond any wall of the dwellinghouse. Paragraph A.1 (f) is therefore not relevant in this case.

**(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;**

The proposed door alterations will not extend beyond any wall of the dwellinghouse. As such Paragraph A.1 (g) is not relevant in this case.

**(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;**

The proposed door alterations will not extend beyond any wall of the dwellinghouse. As such Paragraph A.1 (h) is not relevant in this case.

- (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 door alterations will not enlarge the dwellinghouse. As such Paragraph A.1 (i) is not relevant in this case.

- (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 application does not relate to a side alteration. As such Paragraph A.1 (j) is not relevant.

- (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 application property has had no previous enlargement. As such Paragraph A.1 (ja) is not relevant in this case.

- (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 application does not conflict with any of the criteria laid out in Paragraph A.1 (k).

- (l) the dwellinghouse is built under Part 20 of this schedule (construction of new dwellinghouses)**

3 Linglongs Avenue was not built under Part 20 of Schedule 2 of the GPDO. Therefore the application complies with Paragraph A.1 (l).

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; or**

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

(d) 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).

The application site is not on article 2(3) lands. As such Paragraphs A.2 (a) through (d) are not relevant in this case.

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) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposed doors will be of upvc to match the fenestrations on the existing As such the application complies with Paragraph a.3 (a).

(b) any upper-floor window located in 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; and

(b) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The application relates to door alterations, therefore Paragraph A.3 (b) and Paragraph A.3 (c) are not relevant in this case

An assessment of the proposed dormer window against the relevant criterion of class B is undertaken as follows:

Class B

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

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 property has no planning history which shows any previous change of use. The application is thus compliant with Paragraph B.1 (a)

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

The flat roof of the dormer window will not exceed the highest part of the existing ridge line. As such the proposal complies 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;

The proposed dormer window will be located on the rear elevation of the existing roof, not facing a highway, thus complying with Paragraph B.1 (c).

(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 application site is a detached property. The proposed dormer will not exceed 50 cubic metres. The dormer will be approximately 17 cubic metres and will comply 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;

This application does not proposed a verandah, balcony, raised platform or installation or alteration of chimney, flue or soil and vent pipe. A Juliet balcony is proposed , however this is not considered a raise platform. As such the application complies with Paragraph B.1 (e).

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

The application site is not on article 2(3) land, complying with Paragraph B.1 (f).

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

3 Linglongs Avenue was not built under Part 20 of Schedule 2, thus complying with Paragraph B.1 (g).

(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).

3 Linglongs Avenue was not enlarged in reliance on the permission granted by Class AA of Part 1 of Schedule 2 of the GPDO (2015). As such the application complies with Paragraph B.1 (h).

B.2 Development is permitted by Class B subject to the following conditions—

- (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 dormer will be finished in hung tiles to match. As such the proposal complies with Paragraph B.2 (a).

- (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 eaves of the original roof will be maintained and will be 0.4 metres away from the eaves. The dormer window will not extend beyond the outside face of any external wall of the original dwellinghouses. As such the proposal complies with Paragraph B.2 (b)

- (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.**

The dormer window will be on a rear facing roof slope with no side facing windows. Paragraph B.2 (c) is therefore not relevant in this case.

CONCLUSION / PLANNING BALANCE

In conclusion, the proposed development extension is considered to be in accord with Schedule 2, Part 1, Class A and Class B of the GDPO and as such it is recommended that a Certificate be granted.

OFFICER RECOMMENDATION : Grant Certificate

Case Officer: Rachel Robinson

Recommendation Date: 30th July 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council