

DELEGATED DECISION REPORT

HPK/2024/0248
Valid 27/06/2024

WINDBURY FARM MELLOR
ROAD
NEW MILLS

CERTIFICATE
LAWFULLNESS FOR THE
PROPOSED DEVELOPMENT OF
REAR EXTENSION AND
DORMER ROOF ADDITIONS

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

Whether the proposed development comprises permitted development under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

DESCRIPTION OF SITE

The site comprises a detached property situated to the east of Mellor Road between New Mills and Mellor. The property has previously been extended and is part single storey and part one and half storey with two bedrooms upstairs in the gable cross wing. The site is immediately adjacent to Broadhurst Farm and together with the subject property they form a cluster of buildings along Mellor Road. The surrounding land is agricultural within a countryside location which is designated green belt. The site is not within a conservation area nor is the property a listed building.

PROPOSAL

The application seeks a Lawful Development Certificate for a single storey rear extension (replacing an existing conservatory) and the addition of two dormers at first floor level on the northern elevation.

The proposed extension measures 8m wide and 2.71m deep and would have a pitched roof measuring 4m high and 2.4m to the eaves. The extension would replace an existing conservatory. The proposed materials are stonework and roof tiles to match the existing.

Two identical dormers are proposed which would have a pitched roof form with roof tiles to match the existing and hung slates on the dormer walls. The dormer length is 2.6m and its height to the pitch is 2.35m.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0003/8342 - Extension To Existing Conservatory On Site Of Utility Room
Extension Approved Under Ref.037794 – Approved 04.10.99

HPK/0003/7794 - Utility Room Extension Resubmission Of Application 037550 – Approved 16.02.99

HPK/0003/688 - Conservatory On Rear Elevation Of Existing Bungalow – Approved 04.03.98

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 and Class B 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 and class B is undertaken as follows:

Class A

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 G, 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 not 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 dwelling house 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 extension is less than 4m deep and is exactly 4m high so it complies within the maximum height restriction.

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 and has a depth of 2.71m and it is more than 7m from the boundary curtilage.

(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 side extension is within 2m of the boundary curtilage, but the eaves height is 2.4m, so complies with (i).

(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 is single storey and to the rear of the property.

(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);

The proposed extension is replacing an existing conservatory where it adjoins what we can establish from planning records, is the original dwelling house.

(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.

No alterations are proposed relating to the above criteria.

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 rear extension will comply with Class A, Part 1, Schedule 2 of the GPDO.

Class B – additions etc to the roof of a dwellinghouse

Permitted development

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

The proposed dormers need to be assessed against criteria Class B to ascertain whether the proposed works are permitted development.

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 is a purpose built dwelling house and was not built under any above the above cited permitted development change of use classes.

- (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 dormers sit just below the roofline and therefore do not exceed the height of the existing roof.

(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 roof plane is on the side of the property and does not constitute the principal 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;

Both dormers are identical in size 2.6m long, 2.66m deep and its height to the pitch is 2.35m resulting in a cubic content of 8 cubic metres per dormer. Therefore the total cubic content is well below 50 cubic metre limit for a detached property.

(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; or

No alterations are proposed relating to the above criteria.

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

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

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

The dwellinghouse was not built under Part 20.

(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).

The existing dwellinghouse has not been enlarged by extensions permitted by Class AA.

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 proposed materials will match the existing.

(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 proposed dormers are set back 0.5m from the eaves of the original roof and therefore satisfy this requirement.

(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 windows will serve two en-suite bathrooms. This applicant will be advised that this condition must be complied with.

CONCLUSION / PLANNING BALANCE

For the reasons outlined above, the proposed single storey side extension and two dormer windows 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 Class B of the GPDO - the householder development is permitted.

OFFICER RECOMMENDATION : Approve Certificate

Case Officer: Rosie Dinnen

Recommendation Date: 21.08.24

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council