

DELEGATED DECISION REPORT

**HPK/2025/0112 22 BROOKSIDE ROAD
25/03/2025 CHAPEL-EN-LE-FRITH**

**CERTIFICATE OF
LAWFULNESS FOR
PROPOSED SINGLE STOREY
REAR EXTENSION**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Whether the proposed development complies with the relevant parameters contained under 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 a two-storey detached dwelling located on Brookside Road. The area is predominantly residential in nature with Chapel-el-le-frith football club located beyond the rear of the property.

Permitted Development Rights for this property are intact, in the absence of any former planning history removing such rights by way of condition.

PROPOSAL

The application seeks a Certificate of Lawful Development for a proposed single storey rear extension, on the grounds that the proposed extension complies with all relevant aspects of Schedule 2, Part 1, Class A of the General Permitted Development Order (GPDO) and thus does not require planning permission.

OFFICER COMMENTS

Class A: enlargement, improvement or alteration

(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 (change 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. There are no other buildings on site.

(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 extension is single storey and will not exceed the height of the existing dwellinghouse. Complies.

(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 extension is single storey and the roof and eaves height 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. Complies.

**(f) 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 single storey and is proposed to extend 3m from the rear elevation of the dwelling and is a maximum of 3.3m in height, therefore, complies.

**(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**

Not applicable 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 that dwellinghouse**

The extension is single storey. Paragraph A.1 (h) is therefore 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 extension is within 2 metres of the boundary of the curtilage of the dwellinghouse, and the eaves height would not exceed 3m.

(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

Does not comply.

The extension is to extend from the rear side wall of the utility room, which amounts to a side wall, and the extension would have a width greater than half the width of the original dwellinghouse. The width of the existing dwellinghouse 10.8m and the width of the proposed extension is 7.5m when measured from its widest point. Therefore the proposal fails to meet the criteria set out in paragraph (j) (iii).

(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 total enlargement would not exceed the limits set out in sub-paragraphs (e-j).

(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 include any of the above. Complies.

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

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall 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

It is unclear what the materials comprise, the planning application form refers to "materials are similar in appearance", whereas the elevation plans show what could be interpreted as vertical timber boarding. Therefore, the LPA is unable to confirm that the proposed materials are of a similar appearance.

CONCLUSION

The proposed single storey rear extension therefore does not comply with the criteria set out in Article 3, Schedule 2, Part 1, Class A paragraph (j) (iii) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Moreover it is unclear what the proposed materials will be.

A certificate of lawful use or development should be REFUSED.

RECOMMENDATION : REFUSAL

Case Officer Agatha Dutton

Date 20/10/2025

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council