

DELEGATED DECISION REPORT

HPK/2025/0456
Valid 21/11/2025

16 ELEY WAY
CHAPEL-EN-LE-FRITH

LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED DEVELOPMENT -
SINGLE STOREY REAR
EXTENSION

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

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

DESCRIPTION OF SITE

The application relates to No.16 Eley Way, Chapel, a two storey detached property that forms part of a relatively recent housing estate that was granted Outline planning permission under HPK/2013/0320 and Reserved Matters approval under HPK/2015/0497, as amended by HPK/2016/0567.

A review of these permissions confirms that whilst permitted development rights have been removed in respect of restricting the conversion of ancillary garages, all other permitted development rights remain intact.

PROPOSAL

This application seeks a Certificate of Lawful Development for a single storey rear extension, under the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Floor and Elevation Plans submitted with the application confirms that the extension would span the width of the rear extension having a lean-to mono pitch roof.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2013/0320 Outline Planning Permission For Residential Development Of Up To 105 Dwellings, Public Open Space, Associated Landscaping, Infrastructure & Access (Approved 19/12/2013)

HPK/2015/0497 Application for Approval of Reserved Matters following Outline Approval for 105 Dwellings, together with an application to discharge conditions 12, 15, 21 & 22 (Approved 23/12/2015)

OFFICER COMMENTS

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

Schedule 2, Part 1, Class A of the GPDO permits the enlargement or other alteration of a dwellinghouse, with a proposal not requiring planning permission if it fully complies with all relevant parameters set out under Paragraph A.1. An assessment of the proposed development against such criteria is undertaken below.

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);**

Not applicable.

- (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 residential plot has an approximate area of 300sqm, which when deducting the floor area of the dwellinghouse totals some 220sqm. The proposed extension spans a width of 8.7m and a depth of 3.35m, totalling approximately 30sqm. This equates to less than 15% of the overall curtilage not including the dwellinghouse. The application is therefore compliant 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 overall height of the proposed single storey extension would be considerably lower than that of the main two storey dwellinghouse. The application is therefore 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 height of the eaves of the proposed single storey extension would be considerably lower than that of the main two storey dwellinghouse. The application is therefore 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 extension lies to the rear of the dwelling.

- (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 Floor and Elevation Plans submitted with the application confirms that the proposed extension would extend outwards from the original rear elevation by 3.35m and has a ridge height of 3.6m. The application is therefore compliant with Paragraph A.1(f).

- (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.

- (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;**

Not applicable.

- (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 located within 2m boundary but has an eaves height of approximately 2.3m. As such the application complies with Paragraph A.1(h).

- (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; or**

Not applicable.

- (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 proposed extension is not connected to any existing extension. The application is therefore compliant with Paragraph A.1(ja).

- (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 proposed extension does not include any of the above aspects for development and as such the application complies with Paragraph A.1(k).

- (l) the dwellinghouse is built under Part 20 of this Schedule**

Not applicable.

The above assessment confirms that the application is fully compliant with Schedule 2, Part 1, Class A, Paragraph A.1 of the GPDO and will therefore constitute permitted development subject to compliance with all relevant conditions set out under

Paragraphs A.2 and A.3. The only condition relevant to this proposed extension is that the materials to be used in any external works be of a similar appearance to those used in the construction of the main dwellinghouse.

The Elevation Plans show that the proposed extension would be in a reconstituted stone and concrete tile with UPVC windows, all of which are consistent with the main dwellinghouse. The development is thus compliant with all conditions relating to Class A.

CONCLUSION / PLANNING BALANCE

In light of the above analysis it is therefore recommended that the Certificate of Lawful Development be granted in accordance with the submitted Floor and Elevation Plans.

OFFICER RECOMMENDATION : Grant Certificate

Case Officer: James Stannard

Recommendation Date: 16th December 2025

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council