

DELEGATED DECISION REPORT

HPK/2025/0460
Valid 21/11/2025

28 SIMONS CLOSE
SIMMONDLEY
GLOSSOP

CERTIFICATE OF
LAWFULNESS FOR
INSERTION OF A WINDOW TO
THE FRONT ELEVATION AND
THE REPLACEMENT OF A
WINDOW ON THE SIDE
ELEVATION WITH A DOOR

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether the proposed development constitutes development under S55 of the Town and Country Planning Act 1990 and/or complies with the Town and Country (General Permitted Development) (England) Order 2015 as amended (GPDO) and thus whether the proposed development requires planning permission.

DESCRIPTION OF SITE

The application relates to No.28 Simons Close, Simmondley, a two-storey terraced residential dwellinghouse that like its neighbours benefits from a single storey outrigger that protrudes beyond the principal elevation that historically is understood to have served a vehicular garage.

At the time of considering this application, the Existing Plans show that this outrigger has been converted internally to serve as ancillary living space to the main dwellinghouse with the roller shutter garage door retained.

PROPOSAL

The application as submitted sought a Certificate of Lawful Development for “a proposed garage conversion.”

However, owing to the fact that the garage has already been converted as per the Existing Plans, the LPA have agreed a change to the description of development that now reads as follows:

“insertion of a window to the front elevation and the replacement of a window on the side elevation with a door”. It is noted that on the front elevation the existing doorway and small window would be replaced with the a single window.

The Proposed Plans as submitted showed the conversion to comprise the replacement of the roller shutter door with a simple habitable window, together with an increase in the ridge height of the outrigger to create a dual pitched roof.

However, following advice from Officers that such changes to the roof would amount to a form of development that would require planning permission, revised plans (02A) have been submitted which shows no change to the roof.

OFFICER COMMENTS

Section 55(1) of the Town and Country Planning Act 1990 defines 'development' as:

"the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."

Subsection (2) confirms that works that only affect the interior of the building or works that do not materially affect the external appearance of the building do not fall within the meaning of development.

Owing to the fact that the former garage would be used as living space that is ancillary to the main dwellinghouse the internal works do not amount to 'development' and is therefore lawful.

As such, the only other issue to consider is whether the replacement of the existing roller shutter door with a single habitable window and changes to the side elevation amounts to development, and if so whether that development is permitted.

Given the striking differences in appearance between the roller shutter door and habitable window, it is considered that this aspect does amount to operational development.

The outrigger does form part of the original dwellinghouse. The dwellinghouse has not been subject to any planning history which has seen the removal of any Permitted Development rights.

Schedule 2, Part 1, Class A of the GPDO relates specifically to development within the curtilage of residential dwellings, specifically the enlargement, improvement or other alteration. Such rights permit the replacement and installation of windows provided they are of a similar appearance to those that currently exist, including the works surrounding the window.

The revised plans show that the replacement window mirrors the character and appearance of windows that are already present in the existing dwellinghouse with surrounding brick work consistent with the existing garage. Moreover the replacement of the side facing window with a doorway would amount to an alteration of the dwelling, along with the changes to the front facing fenestration, which is permitted under Class A. As such, the replacement windows complies with Schedule 2, Part 1, Class A of the GPDO and is lawful.

In light of the above, it is recommended that the Certificate be granted, having regard to the revised Proposed Plans (02A).

OFFICER RECOMMENDATION: Grant Certificate

Case Officer: James Stannard

Recommendation Date: 19th January 2026

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council