

DELEGATED DECISION REPORT

HPK/2026/0176
Valid 28/04/2026

11 BLACKBROOK DRIVE
CHINLEY

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

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Whether the proposed extension complies with 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 site is located within the built-up area of Chinley.

The property is a two storey detached dwelling. A garage is attached to the side of the property, which projects beyond the rear wall of the dwelling. This garage forms part of the original dwelling.

PROPOSAL

This application seeks a Section 192 (Proposed) Certificate of Lawfulness to determine whether the proposed single storey rear extension falls within the permissible requirements of the General Permitted Development Order.

Permitted Development Rights remain intact for this property.

The proposed extension would facilitate the creation of additional kitchen-dining-living space.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2012/0323 - Demolition of remaining structures & redevelopment for up to 182 dwellings, up to 1,672 sqm business floorspace (use class B1), up to 279sqm of non residential institution floorspace (use class D1), community facilities & associated infrastructure - Outline Refused 30/11/2012 - Appeal Granted 29/05/2013.

HPK/2013/0577 - Application For Approval Of Reserved Matters Following Outline Approval For Phase 1 - Construction Of 93no. Dwellings, 1no. B1 Office Unit And 1no.d1 Creche Unit Including Access From Green Lane / Whitehough Head Lane And Associated Works - Approved 21/01/2014.

NMA/2014/0034 - Non Material Amendment for HPK/2013/0577 - NMA Approved 25/02/2015.

NMA/2015/0023 - Non material amendment to application HPK/2013/0577 relating to house type Stephenson, re arrangement of first floor plan with minor amendments to elevations - NMA Approved 20/11/2015.

HPK/2017/0663 - Variation of Section 106 agreement - S106 Varied 20/11/2017.

HPK/2020/0518 - Vary section 106 planning obligation dated 25th April 2013 relating to HPK/2012/0323 & PINS Reference: APP/H1033/A/13/2189819 - Refused 25/05/2021.

HPK/2021/0234 - Variation to Section 106 Agreement (HPK/2012/0323) to amend affordable housing provision - S106 Varied 12/01/2022.

Various Discharge of Conditions Applications from 2017-2020.

CONSULTATIONS

N/A.

OFFICER COMMENTS

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

Permitted Development

Development under Class A permits the enlargement, improvement or other alteration of a dwellinghouse.

COMPLIES – The proposal is for the proposed enlargement / improvement of an existing dwelling.

Development Not Permitted

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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

COMPLIES – The dwelling was constructed as a new build dwelling.

(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);

COMPLIES – The development does not exceed 50% or more of the total area of the curtilage.

(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;

COMPLIES – The proposal is a single storey extension.

(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;

COMPLIES – The proposal is a single storey extension.

(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;

COMPLIES – The proposal is for a rear extension.

(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;

COMPLIES – The property is detached, and the extension would project 3.16 metres from the rear elevation, and would have a maximum height of approximately 3.11m to the top of the proposed roof lantern.

(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;

N/A.

(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;

N/A.

(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;

COMPLIES – The proposal would be within 2 metres of the boundary, and the eaves reach a height of approximately 2.906 metres.

(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 – As previously identified the garage forms part of the original dwellinghouse. The General Permitted Development Order defines the term “original” as meaning, in relation to a building built on or after 1st July 1948, other than a building which is Crown land, the building as so built.

As such, the extension as proposed under this Certificate will project from both the rear elevation and the side elevation of the original dwellinghouse.

Although the extension does not exceed more than 4 metres in height, nor is it greater than a single storey, the width of the extension (measuring approximately 6.995 metres) would exceed more than half the width of the original dwellinghouse. The width of the original dwellinghouse at its widest point (eastern house wall to

western garage wall) measures approximately 10.173metres (divided by 2 = 5.086metres (approx.) for half the width of the original dwellinghouse).

(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 proposal would not be attached to an existing enlargement but fails (j) in any event.

(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; or

COMPLIES.

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

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;

N/A – The site is not located on article 2(3) land.

(b)the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

N/A – The site is not located on article 2(3) land.

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

N/A – The site is not located on article 2(3) land.

(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).

N/A – The site is not located on article 2(3) land.

Conditions

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;

FOR COMPLIANCE.

(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

N/A.

(c)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.

N/A.

A.4. (1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

N/A – Point A.4 is not relevant to this proposal, as it details to procedure applicable for an application made for Prior Approval, which this application is not.

CONCLUSION / PLANNING BALANCE

The proposed single storey rear extension as described in the submitted information is deemed to exceed the limits of Permitted Development, and does not comply with sub-paragraph (j) of Class A.1, as set out in the above assessment.

The proposed development does not therefore comply with the criteria of permitted development as defined under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. It is therefore recommended that a Lawful Development Certificate for the proposed development is refused.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Alex Bonser

Recommendation Date: 22/06/2026

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council