

DELEGATED DECISION REPORT

HPK/2026/0006

Valid 07/01/2026

29 BAGSHAWE AVENUE

CHAPEL-EN-LE-FRITH

**CERTIFICATE OF
LAWFULNESS FOR A
PROPOSED REAR DORMER
LOFT CONVERSION, REAR
SINGLE STOREY EXTENSION
AND FRONT PORCH**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

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

DESCRIPTION OF SITE

The site relates to 29 Bagshawe Avenue, a bungalow located within the built-up area boundary of Chapel-en-le-Frith. The property benefits from a large private rear garden and features a front roof-slope dormer, which is characteristic of other bungalows in the surrounding area.

PROPOSAL

The application seeks a Certificate of Lawfulness to determine whether the proposed development constitutes lawful development, comprising the erection of a single storey rear extension, rear dormer and front porch.

OFFICER COMMENTS

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 (change of use)

The site has not been granted consent by virtue of Part 3. Complies.

(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)

Curtilage of the dwelling house is approx. 309sqm. The additional buildings and extensions would not exceed 50% of this. Complies.

(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 extension is limited to a single storey. 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 eaves height of the bungalow is 3.1m
The eaves height of the proposed rear extension is 3.1m
Complies.

**(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**

Extension is located to the rear facing towards the rear garden. 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 rear extension measures 3m in depth and 3.1m in height. 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**

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 – although the eave level is 3.1m, the extension lies just beyond 2m from the boundary with the both neighbours.

- (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**

N/A.

- (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);**

Revised plan 200B demonstrates that the rear extension would no longer connect to any other extensions (proposed dormer). Complies.

- (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 above elements are not included in the proposal. Complies.

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**

Complies. The extension would be constructed stone to match the host dwelling.

- (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

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

Class B: Additions etc to the roof

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 M, N, P, PA or Q of Part 3 of this Schedule (change of use)

The site has not been granted consent by virtue of Part 3. Complies.

(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 works would not exceed the height of the of the existing roof, the dormer would be set down below the height of the dwelling. Complies.

(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 dormer is to be on the rear roof slope which faces the rear garden. Complies.

(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

(iii) For the purposes of Class B “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not

Proposed Dormer Volume = 32.4m³

Existing Dormer Volume = 5.2m³

Total = 37.6m³ (under 50m³) Complies

(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**

None proposed. Complies.

(f) the dwellinghouse is on article 2(3) land

N/A

B.2 Development is permitted by Class B subject to the following conditions:

(a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse

Revised plan 200B shows that the roof dormer would be finished in dark tile cladding, matching the dark concrete roof tiles of the existing dwelling.
Complies.

(b) the enlargement shall 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 shall, so far as practicable, be 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**

The development would not be less than 0.2m from the outside edge of the eaves of the of the original roof as measured on the proposed plan and the development would not extend beyond the outside face of any external wall of the original dwellinghouse. Complies.

(c) any window inserted on 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**

No side facing windows proposed. Complies

Class D: Porches

D1. Development is not permitted by Class D 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 (change of use)

The site has not been granted consent by virtue of Part 3. Complies.

(b) the ground area (measured externally) of the structure would exceed 3 square metres

(c) any part of the structure would be more than 3 metres above ground level or

(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway

The porch would have a ground area of 3m, a height of 2.8m and would not be within 2m of the boundary of the highway. Complies.

CONCLUSION / PLANNING BALANCE

The proposed development complies with the criteria of permitted development as defined under Schedule 2, Part 1, Classes A, B and D 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 be granted.

OFFICER RECOMMENDATION : Grant Certificate

Case Officer: Agatha Dutton

Recommendation Date: 04/07/2026

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council