

DELEGATED DECISION REPORT

HPK/2026/0246
Valid 19/06/2026

20 ORCHARD AVENUE
WHALEY BRIDGE

CERTIFICATE OF
LAWFULNESS FOR A
PROPOSED ALTERATIONS TO
WINDOWS AND DOORS AND
INTERNAL ALTERATIONS

(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 Whaley Bridge.

The property is a two storey semi-detached dwelling, elevated slightly from road level due to land level differences.

The property has an existing single storey side extension.

PROPOSAL

This application seeks a Section 192 (Proposed) Certificate of Lawfulness to determine whether the proposed “alterations to windows and doors and internal alterations” falls within the permissible requirements of the General Permitted Development Order.

Based on the submitted drawings, the extent of the proposal can be summarised as follows:

1. Replace dining room window with French doors.
2. Replace kitchen window.
3. Remove internal wall between kitchen and dining room to create kitchen-diner.

Section 55 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.*”, which includes structural alterations to a building.

However operations which are excluded from the definition of development includes those works which only affect the interior of the building. Therefore the removal of the internal wall between the kitchen and dining room would not require planning permission.

Permitted Development Rights remain intact for this property.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2003/0933 - Porch To Side - Approved 02/01/2004.

Land Adjacent (north):

HPK/2009/0690 - Detached Dwelling And Associated Siteworks On Land Adjacent No 20 - Approved 20/01/2010.

NMA/2011/0042 - Non Material Amendment - Application Number Hpk/2009/0690 - Detached Dwelling And Associated Siteworks - Approved 06/12/2011.

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 alteration (windows and doors) of an existing dwelling.

Development Not Permitted

Criteria listed at sections A.1.(a-l) and A.2.(a-d) are not of relevance to the proposed window and door alterations.

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 – The proposed window is located on the rear elevation at ground floor level.

(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 alterations to windows and doors, and internal alterations, as described in the submitted information is deemed Permitted Development providing that the development is carried out in accordance with the requirements and conditions as set out within Paragraphs A.1- A.3. The proposed development complies 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 granted.

OFFICER RECOMMENDATION : Grant Certificate

Case Officer: Alex Bonser

Recommendation Date: 13/08/2026

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council