

DELEGATED DECISION REPORT

HNT/2026/0007
Valid 21/07/2026

94 MACCLESFIELD ROAD
WHALEY BRIDGE

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
SINGLE STOREY EXTENSION
WITH FLAT ROOF AND
ROOFLIGHT.

(HOUSEHOLDER
NOTIFICATION APPLICATION)

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.
- Whether Prior Approval is required with regards to potential impacts upon residential amenity and if so, whether the proposed development is acceptable in this regard under Paragraph A.4.

DESCRIPTION OF SITE

The application site relates to a two-storey semi-detached residential dwelling located with the built-up area of Whaley Bridge.

An existing single storey rear porch is currently present to the rear of the property. This is to be removed to facilitate this proposal. The neighbouring property (No.96) also has a rear porch adjacent to the site.

Planning permission has previously been granted for a kitchen extension to the rear of the application site, however this has not been implemented.

There are level differences at the site. The rear garden areas in this location are situated at a lower ground level than the internal ground floor level of the properties. Permitted development rights are intact for the property.

PROPOSAL

This Prior Notification application has been submitted under the provisions of Schedule 2, Part 1, Class A.1 (g) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

The proposal relates to a single storey rear extension at the level of the rear garden area. Therefore steps are proposed from the internal ground floor kitchen area down into the extension.

Given the split level nature of the site there are two elements forming part of the proposed extension, being

- a) The 'connecting' stairway area with a mono pitch roof, measuring approximately:
 - a. 2.84metres to the eaves, and
 - b. 3.875metres to its highest point.
- b) The single storey flat roof extension with parapet wall, measuring approximately:
 - a. 6metre projection from the rear elevation of the existing house,
 - b. 2.815metres to the top of the parapet wall,
 - c. 4.95metres in width at it widest point along the back of the house (the full width of the house), tapering to 4.1metres in width to the south.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2003/0852 - Kitchen Extension - Approved 04/12/2003.

CONSULTATIONS

1 written representation has been received from a neighbour, objecting to the development. The following is a summary of the points raised within their objection:

- Loss of daylight and sunlight entering kitchen via the door and window.
- Increased overshadowing to garden area.
- Overbearing impact on garden and property.
- Removal of boundary hedge.
- Plan to remove the rear porch at No.96 in the future, so the proposal should be assessed against the future scenario where the porch isn't there.
- The proposed extension will affect the 45-degree line from the kitchen window and kitchen door.
- Out of character with the area.

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 enlargement / improvement / alteration 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 not granted under Part 3.

(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 existing dwelling has a garden area to the rear of the property which leads to an outbuilding. Beyond this outbuilding to the south is an additional garden area accessible via the driveway to the side of the property. Therefore whilst the extension will fill most of the initial garden to the rear of the property, given the additional garden area beyond the outbuilding, the overall ground area covered by buildings would not exceed 50% 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 single storey and is situated at a lower ground level.

(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 single storey and is situated at a lower ground level.

(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 extension is proposed 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;

N/A – This application is made seeking Prior Approval, and therefore Paragraph A.1(g) is applicable to this application. As such Paragraph A.1(f) is not applicable in this instance.

(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;

COMPLIES – The site is not on article 2(3) land nor on a SSSI. The proposal projects from the rear elevation by approximately 6 metres, with a maximum height of 3.875 metres.

(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 – The proposal is single storey.

(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 extension would be located within 2 metres of the boundary, however the height of the eaves of either part of the extension do not exceed 3 metres (2.84 metres to the eaves of the connecting stairway extension, and 2.815 metres to the top of the parapet wall (approximates)).

(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 – The extension is to project from the rear.

(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);

COMPLIES – The existing rear porch at the property is to be removed to facilitate the proposal, and the overall resultant development does not exceed the limits as set out in sub-paragraphs (e) to (j).

(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 – The proposal does not include the provision of any of the above features.

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

COMPLIES – The property was not constructed under Part 20 of this Schedule.

Criteria listed at section A.2.(a-d) is not of relevance to the proposal as 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;

COMPLIES & IS FOR COMPLIANCE – Details submitted with the application indicate the use of matching materials; stone for the external elevations and slate for the pitched roof.

(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 – No upper-floor window(s) are proposed.

(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 – The extension is single storey.

Whether Prior Approval is required with regards to potential impacts upon residential amenity, and if so, whether the proposed development is acceptable in this regard to the procedure under Paragraph A.4.

The above assessment confirms that the proposed single storey rear extension is in accordance with the requirements of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and therefore comprises Permitted Development subject to the conditions set out under Paragraph A.3.

This Prior Notification has been submitted under Schedule 2, Part 1, Class A, Paragraph A.1(g) for a Larger Homes Extension. In line with the procedure set out under Paragraph A.4(7), Prior Approval is triggered in regards to impacts upon neighbouring amenity, only where an owner/occupier of an adjoining premises objects to the proposed development.

The Council has written to neighbouring properties and allowed a consultation period of 21 days. As set out above, an objection has been received from an adjoining neighbour to the site. As such the Council must assess the potential impact of the development on the amenity of neighbouring properties.

Paragraph A.4(9) sets out that a local planning authority must, when considering the impact referred to above in paragraph (7);

(a) take into account any representations made as a result of the notice given, and
(b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.

Paragraph A.4 (12) sets out that a local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises.

Assessment

The criteria for assessment under the Prior Approval process is specified in the General Permitted Development Order, and it is clear that where a representation is received from a neighbouring resident, the Council's assessment is limited to the

impact upon the amenity of adjoining neighbouring. Therefore the matter raised in relation to the potential removal of the hedgerow, and indeed who owns the hedgerow, are civil matters to resolve outside of the planning process.

The submitted objection makes reference to the potential future removal of the rear porch at No.96 Macclesfield Road. Therefore the objector considers the assessment of impact should be undertaken based on the porch not being there. However the Council must undertake its assessment based on the situation before us at this time, and the assessment cannot take into account possible works which may or may not be undertaken at any point in the future.

The Council acknowledges that the rear porch at No.96 currently intersects the 45-degree line, when drawn in plan view from the centre point of No.96's rear kitchen window. Following the 45-degree line through to the proposed development would see it reach the south-western most corner of the pitched roof serving the connecting stairway element of the extension.

However to determine whether a significant impact on light is likely to be experienced, the 45-degree line must also be applied in elevation view. Given the aforementioned land level differences at the site, the kitchen window remains unaffected by the proposed extension in elevation view. On this basis, it is considered that the proposed development would not result in any significant loss of light to the kitchen area of No.96, and therefore would not detrimentally harm the amenity of existing or future occupiers.

Notwithstanding the presence of the rear porch at No.96, when applying the 45-degree line to the rear kitchen door of No.96, this is breached in both plan and elevation view. However this door is not the primary source of light into the kitchen, with the rear window also serving the kitchen space. The rear window is considered to be the primary light source serving the kitchen area, and as concluded above the kitchen window is unlikely to be unduly affected by the development. Therefore the impact upon the kitchen doorway as a secondary light source would not warrant the refusal of the scheme before us.

The application site and adjoining neighbours have a north-south orientation. It is acknowledged that some shadowing may be experienced from the extension in the garden area of No.96 during the morning, however given the orientation of the properties, the garden is anticipated to receive direct sunlight from mid-day onwards. Given the scale and design of the proposal, relative to land levels and existing built structures on site, it is considered that the development would not result in any harmful overbearing impact on neighbouring properties.

As set out, through this Prior Approval process the Council is only able to assess the impact the development may have on the amenity of any adjoining neighbour. Therefore whether or not the development is in keeping with the character of the area is not for assessment.

Overall it is considered that the proposed development would not cause any detrimental harm to the amenity of any nearby resident within the vicinity of the application site.

CONCLUSION / PLANNING BALANCE

This application falls within the requirements of Schedule 2, Part 1, Class A (g) of the General Permitted Development Order (England) 2015 as amended.

As an objection has been received from an adjoining neighbour, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.

Following the above assessment, it is considered that the proposed development would not cause any detrimental harm to the amenity of any nearby resident within the vicinity of the application site, by virtue of matters including overshadowing, overbearing or overlooking.

As such Prior Approval is Required and Granted.

OFFICER RECOMMENDATION : Prior Approval is Required and Granted

Case Officer: Alex Bonser

Recommendation Date: 27/08/2026

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council