



Mark Jones

PLANNING CONSULTANCY

16th December 2022

Rochdale Council
Development Management
Number One Riverside
Smith Street
Rochdale
OL16 1XU

Dear Sir/Madam,

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Permitted development rights, Part 1 Development within the curtilage of a dwellinghouse, Class B – additions etc to the roof of a dwellinghouse

I have been appointed by Mr P Rangeley to submit a Certificate of Lawfulness for a Proposed Development comprising of a rear dormer at 27 Turbary Walk, Milnrow, OL16 4JN. A rear dormer has already been built to the rear of the house, but it exceeded the permitted development limits in terms of size and materials. It was recently refused planning permission.

The purpose of this application is to seek a Certificate of Lawfulness for a rear dormer extension and, if approved, the unauthorised dormer will be modified within an agreed period of time with the Council so that it accords with Class B.

Taking each aspect of Class B in turn I provide the following evidence:

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

The proposal is for an addition to the roof of the dwellinghouse by the construction of a rear dormer extension and as such it falls within Class B.

A Certificate of Lawfulness is being sought for a dormer roof extension to the rear of the house. On that basis the proposal is permitted development under Class B of Schedule 2, Part 1 of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to it satisfying the limitations of B.1 and the conditions of B.2.

Taking each in turn I comment as follows:

Limitations

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

This is not the case and as such this is satisfied.

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof

No part of the dormer would, as a result of the works exceeds the highest part of the existing roof (ridge tiles) and as such this is satisfied. This is shown on the submitted elevation plans and cross section plans

(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 located to the rear of the dwellinghouse which is not the principal elevation and as such this is satisfied. This is annotated on the site plan.

(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;**

The dwellinghouse is a terraced house and the dormer is below 40 cubic metres and as such this is satisfied. The dormer extends to 39.2 cubic metres and is shown on the cross section plan.

(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**

The dormer does not include a verandah, balcony or raised platform or the installation, alteration or replacement of a chimney, flue or soil and vent pipe and as such this is satisfied.

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

The site is not on Article 2(3) land and as such this is satisfied, Article 2(3) which includes:

Land within—

(a) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas);

(b) an area of outstanding natural beauty;

(c) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside)⁴⁴;

(d) the Broads;

(e) a National Park; and

(f) a World Heritage Site.

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

The dwellinghouse was not built under Part 20 of the Schedule and as such this is satisfied.

(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

The dwellinghouse has not been enlarged granted by Class AA and as such this is satisfied.

Conditions

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

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

The external walls of the dormer extension will be in dark grey vertical hung tiles to match the dark grey roof tiles of the dwellinghouse roof – Grey Lagan Flat Roof Tile. Windows will be white framed and have a similar appearance as the windows of the house in terms of shape and colour. The windows will be white in colour to match the white windows of the house. The roof will be felted or clad in anthracite grey zinc.

(b) the enlargement must 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 is, so far as practicable, not less than 0.2 metres from the eave

- (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 eaves of the original roof will be maintained and the dormer enlargement will be more than 0.2 metres from the eaves as shown on the submitted plans. The cross section plan shows a distance of 0.7 metres.

(c) any window inserted on 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.**

The proposal is on the rear elevation of the dwellinghouse and no side windows are proposed and as such this is satisfied.

On the above basis the proposal is permitted development under Class B of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and satisfies the limitations of B.1 and conditions of B.2. A Certificate of Lawfulness for a Proposed Development in respect of a rear dormer must be issued.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Jones', with a stylized flourish at the end.

Mark Jones BA Hons BTP DMS MRTPI
Planning Consultant
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