

Planning and Development Control,
Rochdale Metropolitan Borough Council,
Number One Riverside,
Smith Street,
Rochdale,
OL16 1XU

14th July 2025

Dear Sir/Madam,

Please find supporting cover letter/evidence to verify application for:

Application for Certificate of Lawfulness for Conversion of Existing Semi-Detached Garage into Ancillary Accommodation at 3 Abbotsford Drive, Middleton, Manchester, M24 5NB

Studio Charrette has been instructed to act on behalf of Ms Rebecca Greig (**the Applicant**) to prepare the above referenced application.

This Application seeks a Certificate of Lawfulness for the proposed conversion of the existing semi-detached garage into ancillary accommodation. The conversion does not involve any extensions or increases in the size of the building. Minor external alterations to the building are proposed, which would typically fall under permitted development.

The following information has been supplied in support of this application:

- Application Form;
- Cover letter;
- Appeal Decision reference APP/L3245/X/22/3309076;
- Site Location Plan;
- Existing Floor Plans and Elevations;
- Proposed Floor Plans and Elevations.

Site Context

3 Abbotsford Drive is a two storey, detached dwelling on a large plot. It has a semi-detached garage to the side of the dwelling, which is currently accessed via a side driveway.

Abbotsford Drive is a residential street. The properties largely consist of detached dwellings with a general consistent style and material finish. Many of the properties have been extended and have had large out buildings constructed under permitted development.

Figure 1 Site Location Plan:



Panning history

The following applications are logged on the planning register for the property:

TWO STOREY SIDE EXTENSION AND SINGLE STOREY FRONT EXTENSION TO DWELLING.

Ref. No: 11/D55034 | Status: Approved

Residential Development - Phase 1 51 Dwellings

Ref. No: 89/D23882 | Status: Approved

There are no planning conditions or obligations on the property to preclude internal or minor external alterations to the property, including the garage.

Proposal

The proposal relates to the use of the garage as ancillary habitable space for family members in association with the residential use of the dwelling.

Internal works will comprise the fitting of internal partitions and a shower room.

Externally, the existing garage door to the front will be replaced with a window and infilled with brickwork to match the existing building. A new door and window will be provided to the side of the garage to provide access to the annexe. This access will be set behind the

existing fence to the side of the dwelling to ensure the annexe can not be accessed independently of the host dwelling.

Analysis

This application seeks to certify that the works to the existing outbuilding are lawful.

Development

The existing garage was constructed with the original development of the dwelling. There were no restrictions on the original planning permission requiring the garage to be retained for vehicle parking.

Section 55(1) of the Town and Country Planning Act 1990 (as amended) (the 'Act') 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*. Section 55(2) identifies operations or uses of land that shall not be taken for the purposes of the Act to involve development of the land, including:

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which –*
 - (i) affect only the interior of the building, or*
 - (ii) do not materially affect the external appearance of the building.*

Internal works to the existing garage are all outside of the definition of development, and are therefore considered to be lawful.

As noted in the Appeal decision reference APP/L3245/X/22/3309076:

"Whether or not alterations to the exterior of a building fall within development will involve consideration of the change to the external appearance of the building as a whole and not a part in isolation. The degree of visibility by an observer outside the building; the nature of the building; and the nature of the alterations/works are all considerations."

The external works are limited to the replacement of the existing garage door with a window and blocking the remaining area with matching brickwork, and the provision of a new door and window to the side of the garage.

The garage is well set back from the road and the attached garage has already replaced the garage door with a window. The addition of windows and a pedestrian door to a garage is very common, and would not amount to a charge to the character of the building. The proposed external works are modest in nature and do not result in changing the appearance and character of the building as a modest, semi-detached outbuilding.

Therefore the proposed works do not amount to development as defined under the Act.

Use

The existing dwelling falls under Use Class C3(a) - a single family dwelling. The internal alterations to the garage relate to the use of the building by family members in association with the residential use of the dwelling. Although it has a shower room, there is a close physical and functional relationship between the outbuilding and the host dwelling.

The outbuilding would not provide sufficient services to allow a resident to live completely independently. It will be accessed exclusively via the dwelling following the enclosure of the original vehicle door and there is no division of the garden. The garage does not have a separate curtilage and there is no separate metering of utilities.

Appeal reference APP/L3245/X/22/3309076 provides a good precedent for consideration on whether or not the use of an existing outbuilding as ancillary residential accommodation results in a material change of use. Similar to this case the unit would continue to be used by family members as part of the occupation of the property as a single family dwelling, and in this appeal the Inspector concluded that no material change of use had occurred.

The outbuilding will continue to be used for purposes that are integral to the continued use of the property as a single family dwelling. **Therefore, no material change in use has occurred as a result of the internal works.**

Conclusion

The proposal relates to internal works and external works that do not materially impact the external appearance of the outbuilding. The outbuilding will continue to be used by family members as part of the use of the property as a single family dwelling. It is therefore considered the works do not constitute development, are lawful on the date of this application and do not require express planning permission. A Certificate of Lawfulness should therefore be issued.

If any further information is required to assist in the council's decision on the proposed scheme and associated application, please do not hesitate to contact Studio Charrette directly who will be more than happy to accommodate any reasonable request.

Yours faithfully,

Cora Younger

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