

Application Number:	23/01248/CPL
Location:	89 Wardle Road, Wardle, Rochdale, OL12 9EL
Proposal:	Certificate of lawfulness for a single storey rear extension
Applicant:	Chris Coleman
Case Officer:	Sam Yuen
Recommendation:	Grant

Location

The application relates to no. 89 Wardle Road, a two-storey semi-detached dwelling located in Wardle. The dwelling is adjoined by no. 91 Wardle Road to the north, adjacent to no. 87 Wardle Road to the south, and faces the highway to the east. The rear boundary of the curtilage borders an access road to Great Howarth House to the west.

Description of Proposal

Certificate of lawfulness is sought for a single-storey rear extension which projects 3m from the rear elevation of the dwelling, following the demolition of the existing 1.82m rear projection. It is characterised by a lean-to roof form and has a ridge height of 3.36m and a height to eaves of 2.56m. The proposed plans also indicate the alteration of ground floor rear elevation fenestration and the construction of a brick-built dwarf wall to the rear garden measuring 0.65m high.

Is the proposal wholly within the curtilage of the dwellinghouse?	Yes
--	-----

Relevant History: N/A

Permitted Development Rights removed?	Cannot locate original permission.
--	------------------------------------

Representations

In accordance with the Council's code for publicity for this type of application, no letters of notification have been issued.

Legislation and Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Permitted development rights for householders – Technical Guidance (Sept 2019)

Assessment (Class A, Part 1)

Class A of Part 1 of Schedule 2 of the GPDO allows for the enlargement, improvement or other alteration of a house subject to it not being contrary to any of the following criteria:

- (a) Permission to use the dwellinghouse as a dwelling has not been granted only by virtue of Class M,N,P, PA or Q of Part 3 of the GPDO

☒ **Complies**

☐ **Does Not Comply**

- (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**

☐ **Does Not Comply**

- (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**

☐ **Does Not Comply**

- (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**

☐ **Does Not Comply**

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which -
(i) Forms the principal elevation or
(ii) Fronts a highway and forms a side elevation of the original dwellinghouse.

☒ **Complies**

☐ **Does Not Comply**

- (f) Subject to Paragraph (g), the enlarged part of the dwellinghouse would have a single storey and 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 exceed 4 metres in height.

☒ **Complies**

☐ **Does Not Comply**

The host dwelling is a semi-detached property and therefore eligible for a 3m extension. The plans indicate a projection of 3.36m.

- (g) For a dwellinghouse not on article 2(3) land or 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**

☐ **Does Not Comply**

Note – This application does not propose a larger home extension and paragraph (g) is therefore not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.

☒ **Complies**

☐ **Does Not Comply**

Note – This application does not propose an extension with more than a single storey and paragraph (h) is therefore not applicable.

- (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**

☐ **Does Not Comply**

The height to eaves is 2.56m

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would exceed 4 metres in height, have more than a single storey or have a width greater than half the width of the original dwellinghouse; or

☒ **Complies**

☐ **Does Not Comply**

(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**

☐ **Does Not Comply**

- (k) it would consist of or include:-

- (i) the construction or provision of a veranda, 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

☒ **Complies**

☐ **Does Not Comply**

- ☒ **The plans do not include a balcony or raised platform**
- ☒ **The plans do not include the alteration of a microwave antenna**
- ☒ **The plans do not include the alteration or installation of a soil and vent pipe**
- ☒ **The plans do not include the alteration to any part of the roof of the dwellinghouse**

Finally, paragraph A.3 of the above order stipulates that 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**

☐ **Does Not Comply**

☐ **Details Not Provided**

- 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

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

- c. Where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

Note: The proposed materials for construction would be similar in appearance to the exterior of the existing dwellinghouse and consists of a single storey extension.

Assessment (Class A, Part 2)

Class A of Part 2 of Schedule 2 of the GPDO allows for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure subject to it not being contrary to any of the following criteria:

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—
 - (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;
 - (ii) in any other case, 1 metre above ground level;

☒ **Complies**

☐ **Does Not Comply**

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

☒ **Complies**

☐ **Does Not Comply**

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

☒ **Complies**

☐ **Does Not Comply**

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

☒ **Complies**

☐ **Does Not Comply**

Other Considerations

The submitted proposed plans indicate engineering operations comprising the partial excavation of the rear raised garden to accommodate a 0.65m-high dwarf wall which would be set back 2.16m from the existing retaining wall. Having assessed the present site, the Council is satisfied that the proposed works would be engineering operations associated with the construction of the proposed rear extension and would not be of a scale that could be considered an independent engineering operation. As such, for the purposes of this assessment, the engineering operations would be permitted under Schedule 2, Part 1 Class A and Part 2, Class A of the GDPO.

Recommendation: Grant

The proposal constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 1, Class A and Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Notes for applicant:

For the avoidance of doubt, the decision relates to the following drawings:-

- Location Plan – received 16/11/2023
- Existing and Proposed Site Plans – Drawing No. 23.1002.3 dated 25/09/2023
- Existing Ground Floor Plan and Elevations – Drawing No. 23.1001.1B received 11/12/2023
- Proposed Ground Floor Plan and Elevations – Drawing No. 23.1002.2B received 11/12/2023

	Date	Officer
Report Completed	03/01/2024	Signed: SY
Authorisation	10/01/2024	Signed: LA