

Application Number:	24/00709/CPL
Location:	3 Stonehill Drive, Rochdale, OL12 7JN
Proposal:	Application for a certificate of lawfulness for a proposed single storey rear extension, front dormer extension and alterations to front elevation as part of conversion of garage to living accommodation
Applicant:	Mr Mohammad Rafaqat
Case Officer:	Anna Hayes
Recommendation:	Part Grant, Part Refuse

SITE

The application refers to No.3 Stonehill Drive, a detached dormer bungalow situated within a residential area of Rochdale. The dwelling is constructed from brick with a pitched tiled roof with an integral double garage at ground floor level. There is a flat roof dormer to the front and rear roof planes. The dwelling has previously been extended to the side with a dormer roof extension to the rear.

The plot benefits from a driveway to the front and enclosed garden area to the rear. The dwelling fronts Stonehill Drive to the west and the rear garden backs onto dense woodland.

PROPOSAL

The application seeks a Certificate of Lawfulness under section 192 of the Town and Country Planning Act 1990.

The application seeks confirmation that the erection of a single storey rear extension, front dormer extension and other alterations to the front elevation as part of a garage conversion would be lawful.

The following information has been submitted in support of the application:

Received 29 July 2024:

002-SI-XX-00-DR-I-P6 rev 1 – Existing and Proposed Front Elevations A1

002-SI-XX-00-DR-I-P2 rev 1 – Existing and Proposed Site Plan A1

Received 18 July 2024:

002-SI-XX-00-DR-I-P1 – Location Plan A3

002-SI-XX-00-DR-I-P3 – Existing and Proposed Ground Floor A1

002-SI-XX-00-DR-I-P4 – Existing and Proposed First Floor A1

002-SI-XX-00-DR-I-P5 – Existing and Proposed Roof Plans A1

002-SI-XX-00-DR-I-P7 – Existing and Proposed Side 1 Elevations A1

002-SI-XX-00-DR-I-P8 – Existing and Proposed Rear Elevations A1

002-SI-XX-00-DR-I-P9 – Existing and Proposed Side 2 Elevation A1

The proposed works are wholly within the curtilage of the dwellinghouse.

Permitted development rights do not appear to have been removed.

RELEVANT PLANNING POLICY

National Guidance

National Planning Practice Guidance (NPPG)

The applicant is responsible for providing sufficient information to support an application. In the case of applications for proposed development, an applicant

needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved (PPG Paragraph: 006 Reference ID: 17c-006-20140306).

Other

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

RELEVANT SITE HISTORY

90/D24927 – Front dormer extension to dwellinghouse – Grant subject to conditions – 06 April 1990

92/D28210 – Two storey side extension to dwellinghouse – Grant subject to conditions – 10 July 1992

CONSULTATION RESPONSES

There is no statutory requirement to consult third parties including parish councils, or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application (NPPG paragraph 08 Reference ID: 17c-008-20140306).

As there is no statutory requirement to consult third parties, no letters were sent to neighbouring occupiers/owners when this application was validated.

REPRESENTATIONS

Not applicable, as above.

ANALYSIS

This application for a Certificate of Lawfulness is made under Section 192 of the Town and Country Planning Act 1990. An application under s192 can be made if any person wishes to ascertain whether the following would be lawful –

- a) Any proposed use of buildings or other land; or,
- b) Any operations proposed to be carried out in, on, over or under land.

S192 (2) states that: if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of this application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

There are different components to consider in the assessment of this application, namely:

- Single storey rear extension;
- Front dormer extension; and,
- Alterations to the front elevation as part of conversion of garage to living accommodation.

Each are assessed below with reference to Class A (enlargement, improvement or other alteration of a dwellinghouse) and Class B (additions etc to the roof of a dwellinghouse) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Single storey rear extension

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. This assessment relates to the rear extension only.

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**

☐ **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 of the original dwellinghouse; or**
(i) **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—
- (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;

☐ Complies

☒ Does Not Comply

Officer Note:

Where the proposed extension is to be joined to an existing extension to the original house, whether that was built following a planning application or under permitted development rights, the total enlargement (being the proposed extension together with the previous extension) must meet the limits set out in (e) to (j).

The proposed rear extension would therefore not comply with sub-paragraph (i) due to it being attached to the two storey side extension which exceeds 4m in height (approximately 7m).

- (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

☒ Does Not Comply

Officer Note:

This application does not propose a larger home extension and paragraph (g) is therefore not applicable. In any case, the proposal conflicts with (g)(ii) exceeding 4m in height when considered in conjunction with the existing two storey side extension. The rear extension would therefore require an application for planning permission.

- (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;

☒ Complies

☐ Does Not Comply

Officer Note:

This element of the 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**

Officer Note:

The height of the eaves would be 2.64m.

- (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

☐ **Complies**

☒ **Does Not Comply**

Officer notes:

The application property was granted planning permission on 10 July 1992 for a two storey side extension to the north facing side elevation with a garage and utility at ground floor and bedroom above. This extension has been constructed. As a result, as per sub-paragraph (ja) below, the proposed extension which will extend across the rear elevation of the original house, would also extend across the back of the two storey side extension and beyond the side elevation of the original dwellinghouse. The rear extension would therefore require an application for planning permission.

- (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**

Officer notes:

As above, in some situations it may be that development is undertaken in separate stages, however it is the size of the total enlargement (being the proposed extension together with the previous extension to which it will be joined) that will need to be taken into account. In this case, the total width of the existing side extension and proposed rear extension, at the widest point would be more than half the width of the original house. The rear extension would therefore require an application for planning permission.

- (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,

Officer Notes:

- ☐ 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 replacement of a chimney, flue or soil and vent pipe.
- ☐ The plans include the alteration to part of the roof of the dwellinghouse. However, it is noted the alteration or addition to the original roof may fall under Class B of permitted development rights.

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

☒ **Complies**

☐ **Does Not Comply**

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) **it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- (b) **the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) **the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**
- (d) **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 (b) and (c).**

Conditions (Class A)

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

Assessment (Class B)

Class B of Part 1 of the Schedule to the GPDO allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof subject to it not being contrary to any of the following criteria:

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);

- ☒ Complies
- ☐ Does Not Comply

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

- ☒ Complies
- ☐ Does Not Comply

(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;

- ☐ Complies
- ☒ Does Not Comply

Officer notes:

The proposed front dormer window is on the principal elevation of the dwellinghouse which fronts a highway and will therefore require an application for planning permission.

(d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-

- a) 40 cubic metres in the case of a terrace house, or**
- b) 50 cubic metres in any other case;**

☐ **Complies**

☒ **Does Not Comply**

Officer Notes:

To be permitted development any additional roof space created must not increase the volume of the original roof space of the house by more than 50 cubic metres for semi-detached and detached houses. Any previous enlargement to the original roof space in any part of the house must be included in this volume allowance.

The property has previously been extended with a two storey side extension which includes a rear dormer to the rear roof plane. The approximate volume of these previous additions to the roof space is approximately 138m³. Any additional volume added to the roof space would require planning permission.

(e) It would consist of or include –

- (i) The construction or provision of a veranda, balcony or raised platform, or**
- (ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe.**

☒ **Complies**

☐ **Does Not Comply**

(f) The dwellinghouse is on article 2(3) land.

☒ **Complies**

☐ **Does Not Comply**

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

☒ **Complies**

☐ **Does Not Comply**

- (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).

☒ **Complies**

☐ **Does Not Comply**

Conditions (Class B)

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;

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

- (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 eaves, measured along the roof slope from the outside edge of the eaves; and

- (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; and

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

- (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



Complies



Does Not Comply



Details Not Provided

Garage Conversion

Planning permission 92/D28210 does not restrict the future conversion of the integral garage so the change of the integral garages into additional living accommodation does not require planning permission. The plans also indicate the use of matching external facing materials in accordance with Condition A.3 (a). The proposed conversion of the existing integral garages in the footprint of the original house and existing two storey side extension would not require planning permission and the proposal constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

RECOMMENDATION

Part Granted, Part Refused.

Granted

The proposed conversion of the existing integral garages in the footprint of the original house and existing two storey side extension would not require planning permission and the proposal constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Refused

The proposed single storey rear extension does not constitute permitted development by virtue of non-compliance with the requirements of Criterion (f), (g), (j) and (ja) of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the plans indicate that the proposed single-storey rear extension would attach to an existing two storey side extension and therefore taken with previous additions, would exceed more than 4m in height and would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original house.

The proposed dormer extension does not constitute permitted development by virtue of non-compliance with the requirements of Criterion (c) of Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the plans indicate that the dormer extension would extend beyond the plane of the existing front roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

Notes for Applicant:

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

Received 29 July 2024:

002-SI-XX-00-DR-I-P6 rev 1 – Existing and Proposed Front Elevations A1
002-SI-XX-00-DR-I-P2 rev 1 – Existing and Proposed Site Plan A1

Received 18 July 2024:

002-SI-XX-00-DR-I-P1 – Location Plan A3
002-SI-XX-00-DR-I-P3 – Existing and Proposed Ground Floor A1
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002-SI-XX-00-DR-I-P5 – Existing and Proposed Roof Plans A1
002-SI-XX-00-DR-I-P7 – Existing and Proposed Side 1 Elevations A1
002-SI-XX-00-DR-I-P8 – Existing and Proposed Rear Elevations A1
002-SI-XX-00-DR-I-P9 – Existing and Proposed Side 2 Elevation A1

	Date	Officer
Report Completed	17/12/2024	Signed: AH
Authorisation	18/12/2024	Signed: RG