

Application Number:	23/01012/CPL
Location:	54 Great Lee Walk, Rochdale, OL12 6NG
Proposal:	Certificate of lawfulness for a proposed rear dormer
Applicant:	Mr Urooj Karim
Case Officer:	Sam Yuen
Recommendation:	Grant

CHECKED AND SIGNED OFF BY: M Lewis

DATE: 15.11.23

Location

The application relates to no. 54 Great Lee Walk, a two-storey end-terrace dwelling located in a social housing estate in Shawclough. The dwelling is sited on a corner plot and is adjoined by no. 52 Great Lee Walk to the south and adjacent to nos. 56 and 58 Great Lee Walk to the north. Great Lee Walk surrounds the host dwelling on all elevations, as a footpath to the west of the dwelling, and as a vehicular road to the north and east.

Description of Proposal

Certificate of lawfulness is sought for a flat roof dormer on the east-facing roof slope which measures 5.36m in width, 2.17m in height and 3.13m in depth.

Additionally, the proposed plans indicate the addition of a roof light on the west-facing roof slope as well as the installation of a soil and vent pipe to the east-facing roof slope.

Is the proposal wholly within the curtilage of the dwellinghouse?	Yes
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Relevant History:

N/A

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

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:

- (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) 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 front a highway;

☒ **Complies**

☐ **Does Not Comply**

The host property directly fronts Great Lee Walk, but is bounded by highway on all elevations. As stated in the *Technical Guidance for permitted development rights*, there can only be one principal elevation, therefore a view must be taken as to which elevation forms the principal elevation of the host dwelling.

The west-facing elevation of the dwelling comprises of an entrance door with a porch canopy supported by a side wall, which appears to be an original design feature for this house type. It also comprises a small curtilage space bounded by hedging and timber fencing. The entrance door directly leads into the internal staircase and living room space. This elevation faces a public footpath which connects properties along Great Lee Walk to Bentley Street to the south-east.

The east-facing elevation of the dwelling also comprises an opening, though based on the submitted floor plans, appears to be a false door. This opening serves an unannotated ancillary room attached to the kitchen, and is accessible via the actual entrance door to the north-facing side elevation.

Forward of the east elevation is a larger patio space bounded by low timber fencing and gate. Whilst this elevation provides direct access from the vehicular road and has a greater range of visibility than the west elevation, it does not contain any notable architectural features and does not provide means of a principal access into the dwelling.

The assessment of the principal elevation of the dwelling is a matter of fact and degree; taking into account of the above assessment, the west elevation is taken to be the principal elevation of the dwelling due to its physical and functional attributes. The proposed dormer extends beyond the roof slope of the east elevation which is not considered the principal elevation. The proposed development complies with Criterion (c).

- (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;

☒ **Complies**

☐ **Does Not Comply**

Dormer Volume Calculation

Height (m)	2.17
Depth (m)	3.13
Length (m)	5.36
Total (m³)	18.20

- (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; or

☒ **Complies**

☐ **Does Not Comply**

Note: The submitted plans indicate the installation of a soil and vent pipe to the side of the proposed dormer. However, it is noted the installation of soil and vent pipes may fall under Class G of permitted development rights.

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

☒ **Complies**

☐ **Does Not Comply**

Conditions (Class B)

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**

Assessment (Class C)

Class C of Part 1 of Schedule 2 of the GPDO allows for any other alteration to the roof of the dwellinghouse subject to it not being contrary to any of the following criteria:

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)

☒ **Complies**

☐ **Does Not Comply**

- (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof

☒ **Complies**

☐ **Does Not Comply**

- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

☒ **Complies**

☐ **Does Not Comply**

- (d) it would consist of or include-
- (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment

☒ **Complies**

☐ **Does Not Comply**

Conditions (Class C)

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be -

- (a) obscure-glazed; and
- (b) 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**

Note: The proposed development does not comprise of any window to the roof slope forming a side elevation of the host dwelling.

Assessment (Class G)

Class G of Part 1 of Schedule 2 of the GPDO allows for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse subject to it not being contrary to any of the following criteria:

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)

☒ **Complies**

☐ **Does Not Comply**

- (b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or

☒ **Complies**

☐ **Does Not Comply**

- (c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which-

- (i) fronts a highway, and
(ii) forms either the principal elevation or a side elevation of the dwellinghouse.

☒ **Complies**

☐ **Does Not Comply**

Other Matters

The Council did not publicise the application as it is not required to do so. However, a letter of representation has been received from the occupier of no.52, the adjoining property. A certificate is a matter of consideration of fact rather than weighing planning policy and material considerations in the overall planning balance, as undertaken with a planning application. As such no regard can be given to the matters that are raised in the representation.

Recommendation: Grant

The proposal constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 1, Class B, C and G 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 12/09/2023
- Existing Site Plan, Floor Plans and Elevations – Drawing No. 2051/1 received 12/09/2023
- Proposed Site Plan and Floor Plans – Drawing No. 2051/2 received 12/09/2023
- Proposed Elevations and Section Plan – Drawing No. 2051/3 received 12/09/2023

	Date	Officer
Report Completed	10/11/2023	Signed: SY
Authorisation	15.11.23	Signed: ML

Report Author Sam Yuen