

Application Number:	23/00065/CPL
Location:	540 Bury Road Rochdale OL11 4DQ
Proposal:	Application for a certificate of lawfulness for a proposed single storey rear extension
Applicant:	Mrs Karen Dorrington
Case Officer:	Chelsea Petrillo
Recommendation:	REFUSE

Location

The application relates to 540 Bury Road, a two-storey detached property located in the Bamford ward of Rochdale. The property is sited between 538 and 542 Bury Road and the rear curtilage boundary borders the rear gardens of 3 and 3A Kenion Road. The property benefits from generous front, side and rear garden space and a detached side garage.

Description of Proposal

A certificate of lawfulness is sought for a proposed single storey rear extension within the site curtilage.

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

18/00095/CPL

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR A PROPOSED SINGLE STOREY SIDE EXTENSION; REAR DORMER; THE LIKE FOR LIKE REPLACEMENT OF ROOF TILES TO ALL TILED ELEMENTS OF ROOF; AND THE INSERTION OF THREE ROOF LIGHTS TO FRONT.

Part Grant, Part Refuse 20.03.2018

18/00392/HOUS

ERECTION OF REAR DORMER AND A SINGLE STOREY ORANGERY EXTENSION TO REAR.

Grant Subject to Conditions 14.06.2018

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 A)

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 detached and therefore eligible for a 4m extension. The plans indicate a projection of 4m.

(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 2.7m

(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 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

Conditions

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 G)

G. The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.
Development not permitted

G.1 Development is not permitted by Class G if—

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

Recommendation: REFUSE

The proposal does not constitute permitted development by virtue of non-compliance with the requirements of criterion (j) of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the enlarged part of the dwellinghouse 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 dwellinghouse.

Notes for applicant:

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

- 01235808/04 LOCATION PLAN
- 01235808/05 EXISTING AND PROPOSED SITE PLAN
- 01235808/01 EXISTING FLOOR PLAN AND ELEVATIONS
- 01235808/02 PROPOSED FLOOR PLANS AND SECTIONS
- 01235808/03 PROPOSED ELEVATIONS

	Date	Officer
Report Completed	15.02.2023	Signed: CP
Authorisation	16.02.2023	Signed: AT

Report Author Chelsea Petrillo