

APPLICATION NUMBER: 25/00721/CPE

Application Number:	25/00721/CPE
Location:	4 Oulder Mount, Oulder Hill, Rochdale, OL11 5LL
Proposal:	Application for a certificate of lawfulness for an existing dormer window to rear roof slope
Applicant:	Mr Michael Dupelycz
Case Officer:	Bob Melling
Recommendation:	Grant

Location

The application relates to no. 4 Oulder Mount, a detached, split-level dwelling which occupies a corner plot on the inside of a ninety degree bend in the road. The principal elevation of the dwelling faces the highway to the east. The site is abutted by a variety of dwellings including terraced and detached houses of a traditional and modern form, with the land through the site sloping upwards from east to west which allows for a lower level garage to be incorporated into the existing property which is accessed from the front (east) of the property. The dwelling to the south (no. 2) has a similar lower level garage.

Description of Proposal

The application seeks to demonstrate lawful existing use of a dormer which has been in situ at the site for over 4 years. The application form states that the building works were substantially completed on 14/05/2021. To support this, the applicant has submitted various photographs, plans and an invoice for the dormer installation dated 31/05/2021.

Relevant History:

25/00396/HOUS: Retrospective application for a dormer on the south elevation. Pending determination.

24/01265/CPL: Certificate of lawfulness for a proposed rear dormer extension. **Refused** for the following reason:

The proposal does not constitute permitted development by virtue of non-compliance with the requirements 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 materials used in the exterior of the proposed rear dormer would not be of a similar appearance to those used in the roof of the host dwelling and the dormer window would form a side elevation of the dwellinghouse and would not be obscurely glazed or non-opening to the required standard.

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).

The Town and Country Planning Act (1990) section 171B

Analysis

Section 171B of the Town and Country Planning Act (1990) stipulates that *‘where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of ... **ten years** beginning with the date on which the operations were substantially completed.’*

However, where the use, building works or activity began before 25 April 2024, then the four year rule still applies, as per the 25 April 2024 amendment to Section 171B.

NPPG Paragraph 006 states that the applicant is responsible for providing the necessary evidence to support an application. In the case of an existing use or development, if the local planning authority has no contradictory evidence, there is no good reason to refuse the Lawful Development Certificate as long as the applicant’s evidence is sufficiently precise and unambiguous.

The signed and dated planning application form states that the building works were substantially completed on 14 May 2021, which is over 4 years before the date on which the application was submitted. The primary source of evidence submitted by the applicant is an invoice dated 31 May 2021 for the installation of the dormer.

The Council does not possess any contradictory evidence, and, on the balance of probability, the evidence supplied by the applicant is viable.

The dormer first appears on Google Earth in January 2022, and it is not visible on the preceding image dated 22 April 2021. Therefore, this would not contradict the applicant’s evidence that the dormer was constructed in May 2021.

Therefore, in accordance with Section 171B of the 1990 Act (as amended), no enforcement action can be taken, thus a certificate of lawfulness should be granted.

In light of the works being substantially complete for a period in excess of 4 years on the date the application was made, and no enforcement proceedings being made under Section 7 of the Act, the dormer is exempt from such proceedings and is subsequently deemed to be lawful.

Recommendation: GRANT

The development is lawful by virtue of Section 171B of the Town and Country Planning Act 1990 (as amended) as the structure was substantially completed in excess of 4 years before the date of the application.

Notes for applicant:

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

- Planning application form dated 14/07/2024
- Location Plan dated 15/10/2024

- Invoice dated 31/05/2021
- Construction of Dormer Roof to South Elevation (Existing Plans, elevations & location plan). Drg no. P01
- Construction of Dormer Roof to South Elevation (Proposed Plans, elevations & location plan). Drg no. BREG02A

	Date	Officer
Report Completed	16/07/2025	Signed: BM
Authorisation	17/07/2025	Signed: RC

Report Author Bob Melling