

Application Number:	22/01404/CPL
Location:	445 Edenfield Road, Rochdale, OL11 5YR
Proposal:	Certificate of lawfulness for proposed single-storey extension and outbuilding
Applicant:	Mr Jordan Boland
Case Officer:	Chelsea Petrillo
Recommendation:	Refuse

Location

The application relates to 445 Edenfield Road, a two-storey terrace dwelling located in the Norden ward of Rochdale. The property benefits from a generous front and rear garden. The sites rear boundary borders the car park of Rochdale Golf Club to which it is situated next to a large band of protected recreational open space.

Description of Proposal

A certificate of proposed lawfulness is sought for a side infill extension and an outbuilding in the rear garden within the site boundary. The single storey side infill extension will feature a hipped roof, have an overall height of 2.8m and extend approx. 4.8m from the rear elevation to which it will host a kitchen space. The proposed outbuilding is situated to the back of the rear garden and sits approx. 3.5m x 4m and will be used for storage.

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 (September 2019)

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 terrace and therefore eligible for a 3m extension. The plans indicate a projection of 4.8m from the main rear elevation of the original dwelling.

NOTES: It is noted the dwelling has more than one rear wall. Technical guidance (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/830643/190910_Tech_Guide_for_publishing.pdf) states "The rear wall

or walls of a house will be those which are directly opposite the front of the house” therefore would not comply as the side infill extension would project 4.8m from a rear wall of the dwelling.

(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 2.5m

(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**

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 E)

Class E of Part 1 of Schedule 2 of the GPDO allows for:

- a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
- or;
- b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.
- (a) Permission to use the dwellinghouse as a dwelling has not been granted only by virtue of Class M,N,P or Q of Part 3 of the GPDO

- ☒ **Complies**
- ☐ **Does Not Comply**

- (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (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) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.

- ☒ **Complies**
- ☐ **Does Not Comply**

- (d) the building would have more than a single storey.

- ☒ **Complies**
- ☐ **Does Not Comply**

- (e) the height of the building, enclosure or container would exceed—
- a. 4 metres in the case of a building with a dual-pitched roof,

- b. 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
- c. 3 metres in any other case.

☒ **Complies**

☐ **Does Not Comply**

(f) the height of the eaves of the building would exceed 2.5 metres;

☒ **Complies**

☐ **Does Not Comply**

NB. No elevation drawings have been provided to indicate the height of the building.

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building

☒ **Complies**

☐ **Does Not Comply**

(h) it would include the construction or provision of a verandah, balcony or raised platform

☒ **Complies**

☐ **Does Not Comply**

(i) it relates to a dwelling or a microwave antenna.

☒ **Complies**

☐ **Does Not Comply**

(j) the capacity of the container would exceed 3,500 litres

☒ **Complies**

☐ **Does Not Comply**

Paragraph **E.2** of the above order stipulates that development is permitted by Class E would not be permitted if any part of the curtilage of the dwellinghouse is within –

- (a) an area of outstanding natural beauty;
- (b) the Broads;
- (c) a National Park; or
- (d) a World Heritage Site

the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

☒ **Complies**

☐ **Does Not Comply**

Paragraph **E.3** further states In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage 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 (f) 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 single-storey extension would extend beyond the rear wall of the original dwellinghouse by more than 3 metres.

Notes for applicant:

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

- SITE PLAN
- EXISTING BLOCK PLAN
- IDA - 1169 – 01 EXISTING AND PROPOSED FLOOR PLANS
- IDA – 1169 – 04 EXISTING ELEVATIONS
- IDA – 1169 – 02 PROPOSED ELEVATIONS AND VIEWS

	Date	Officer
Report Completed	04.01.23	Signed: CP
Authorisation	05.01.23	Signed: AT

Report Author Chelsea Petrillo