

Application Number:	25/00745/CPL
Location:	9 Whitfield Drive, Milnrow, OL16 4BP
Proposal:	Application for a certificate of lawfulness for the conversion of garage to additional living accommodation including alterations to front elevation
Applicant:	Kyle Wasley
Case Officer:	Bob Melling
Recommendation:	Refuse

CHECKED AND SIGNED OFF BY: RK

DATE: 14/10/2025

Location

The application relates to no. 9 Whitfield Drive, a two storey, detached dwellinghouse located in a residential area of Milnrow. The application property is adjacent to no. 11 Whitfield Drive to the east and no. 7 to the west. The rear boundary of the curtilage borders the rear gardens of Maple House and Willow House on Buckley Hill Lane. The application property benefits from an integral garage and a tarmacked driveway with parking for at least 3 cars.

Description of Proposal

A certificate of lawfulness is sought for the proposed conversion of the existing integral garage to ancillary living accommodation, including the replacement of the existing garage door with two windows.

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

94/D31024: Substitution Of House Types - 7 Dwellings. Approved September 1994

93/D29415: Residential Development - 64 Dwellings. Approved August 1993

Condition 3: Before occupation two car parking spaces each of minimum length of 5.5 metres shall be provided for each dwelling in addition to any garage spaces and those car parking spaces shall be kept clear of all obstruction and remain available for car parking thereafter.

In order to ensure that there is adequate provision for vehicles to be parked clear of the highway in the interests of road safety and amenity and to prevent obstruction.

92/D27965: Residential Development. Approved November 1992

Permitted Development Rights removed?	Condition 3 of planning application reference 93/D29415 requires two car parking spaces in addition to any garage spaces to remain available for car parking in perpetuity. The proposals would result in the loss of the garage for parking purposes and would constitute a breach of condition 3. As such, the proposal would not be lawful. Notwithstanding, a complete assessment of the proposal has been made.
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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).

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

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Complies

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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).

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Complies

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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.

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Complies

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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.

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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**

Note – The application does not propose an enlargement.

- (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**

Note – The application does not propose an enlargement.

- (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**

Note – The application does not propose an enlargement.

- (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**

Note – The application does not propose an enlargement.

- (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**

Note – The application does not propose an enlargement.

- (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**

(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;
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse; or
- (ca) 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)

☒ **Complies**

☐ **Does Not Comply**

Conditions

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;

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Complies

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Does Not Comply

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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

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Complies

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Does Not Comply

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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.

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Complies

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Does Not Comply

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Details not provided

Recommendation: Refuse

Condition 3 of planning application 93/D29415 requires a minimum of two car parking spaces in addition to any garage spaces to be retained for car parking purposes in perpetuity. The proposed conversion of the garage would therefore breach this condition and would be unlawful. The proposals would require planning permission.

Notes for applicant:

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

- Location Plan dated 17-Jul-25
- Proposed Planning Drawing. Dwg no. 9Whitfield-1-GA. Rev 0

	Date	Officer
Report Completed	12/09/2025	Signed: BM
Authorisation	14/10/2025	Signed: RK

Report Author Bob Melling