

Application Number: 22/01411/CPL

Location:

Proposal:

Applicant:

Case Officer: Chelsea Petrillo

Recommendation: Refuse

Location

66 Beaconsfield Road is a two-storey detached property located in the Balderstone and Kirkholt ward of Rochdale. The property is situated within a new build residential estate and adjoins to 68 Beaconsfield Road and shares curtilage boundaries with 64 Beaconsfield Road and nos. 3-11 Roseberry Close. The property benefits from generous rear garden space and on-site parking.

Description of Proposal

A certificate of lawful use is sought for the retrospective addition of a canopy and timber shed within the rear garden.

Is the proposal wholly within the curtilage of the dwellinghouse? Yes

Relevant History

16/00224/FUL Erection of 143 dwellings including access and related infrastructure
Granted Feb 2012

Permitted Development Rights removed? No

Officers Note: *The submitted proposed plans (dwg no. 0000-00 23_100) show the canopy attached onto the rear elevation on the "Ground Floor Plan" whereas the rest of the plans on this drawing as well as those on dwg. 0000-00 23_102 indicate the canopy would not be attached to the rear elevation. It is noted the application is retrospective to which the canopy, as of current, does attach onto the rear of the house therefore it is assumed this drawing on the plan was submitted in error.*

However, this has been taken into consideration when calculating the floor area of the development to which the length of the canopy excludes the 1.4m gap between the house and canopy.

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 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

x 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).

x 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.

x Complies

Does Not Comply

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

x Complies

Does Not Comply

- (e) the height of the building, enclosure or container would exceed—
 - (i) 4 metres in the case of a building with a dual-pitched roof,
 - (ii) 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
 - (iii) 3 metres in any other case.

Complies

x Does Not Comply

The plans indicate the canopy would have an overall height of more than 2.5m and be within 2 metres of the boundary of the curtilage of the dwellinghouse. The plans indicate an overall height of 2.81m and be constructed 0.24m from the boundary. The proposal would therefore not comply with criterion (e).

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

x Complies

Does Not Comply

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

x Complies

Does Not Comply

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

x Complies

Does Not Comply

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

x Complies

Does Not Comply

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

x 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 (e) of Class E, 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 canopy would have an overall height of 2.81m and be within 2 metres of the boundary.

Notes for applicant:

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

- 0000-00 23_001 Site Location Plan
- 0000-00 23_005 Site Plan
- 0000-00 23_102 Rear Canopy Plans and Elevations
- 0000-00 23_100 Rear Garden Design

	Date	Officer
Report Completed	26.09.2023	Signed: CP
Authorisation	18.10.2023	Signed: TH