

Application Number:	23/00659/CPL
Location:	2 Mavis Grove, Milnrow, Rochdale, OL16 3EE
Proposal:	Certificate of lawfulness for a proposed single storey side extension and front porch
Applicant:	Mr& Mrs A. Treece
Case Officer:	Sam Yuen
Recommendation:	Part Grant Part Refuse

CHECKED AND SIGNED OFF BY: RK

DATE: 23/00659

Location

The application relates to no. 2 Mavis Grove, a two-storey semi-detached dwelling located in Milnrow. The dwelling is adjoined by no. 4 Mavis Grove to the south, adjacent to no. 4 Highfield Road, and faces the highway to the east. The rear boundary of the curtilage borders the rear curtilages of no. 2 Highfield Road, nos. 12, 14, and 16 Wellington Street.

Description of Proposal

Certificate of lawfulness is sought for a single-storey side extension which projects approx. 3.47m from the side elevation of the host dwelling. It is characterised by a hipped roof and has a ridge height of 3.77m and a height to eaves of approx. 2.76m.

The application also proposes a front porch which projects approx. 1.24m from the front elevation of the host dwelling. It is characterised by a lean-to roof and has a ridge height of approx. 3.3m and an eaves to height of approx. 2.43m.

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

23/00359/HOUS - Two storey side extension - Withdrawn

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).

Permitted development rights for householders – Technical Guidance (Sept 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 application does not propose a rear extension, therefore paragraph (f) is not applicable.

(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 2.76m

(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**

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**

Note: The proposed materials for construction would be similar in appearance to the exterior of the existing dwellinghouse and consists of a single storey extension.

Assessment (Class D)

Class D of Part 1 of Schedule 2 of the GPDO allows for the erection or construction of a porch outside any external door of a dwellinghouse 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) the ground area (measured externally) of the structure would exceed 3 square metres

☒ **Complies**

☐ **Does Not Comply**

- (c) any part of the structure would be more than 3 metres above ground level or

☐ **Complies**

☒ **Does Not Comply**

Note: The ridge height of the proposed front porch is taken to be approx. 3.3m and therefore does not comply.

- (d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway

☐ **Complies**

☒ **Does Not Comply**

Note: Insufficient evidence has been submitted to indicate the proposed front porch would not be within 2m of the highway-adjacent front curtilage boundary and as such, the proposed porch does not comply.

Recommendation: Part Grant Part Refuse

The proposed single-storey side extension constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The proposed front porch does not constitute permitted development by virtue of non-compliance with the requirements of Criterion (c) and (d) of Class D, 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 proposed porch would be more than 3 metres above ground level. Additionally, there is insufficient

evidence to indicate the proposed porch would not be within 2 metres of any boundary of the curtilage of the dwelling with a highway.

Notes for applicant:

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

- Location Plan – Rev. A dated 03/2023
- Proposed Site Plan – Drawing No. 5 Rev. A dated 03/2023
- Existing Site Plan, Floor Plans and Elevations – Drawing No. 1 Rev. A dated 03/2023
- Proposed Ground Floor Plan – Drawing No. 2
- Proposed Elevations – Rev. A dated 03/2023

	Date	Officer
Report Completed	24/07/2023	Signed: SY
Authorisation	24/08/2023	Signed: RK

Report Author Sam Yuen