APPLICATION NUMBER: 22/00426/CPL

Application Number:	22/00426/CPL
Location:	2 Schwabe Street, Middleton, Rochdale M24 4TG
Proposal:	Application for a certificate of lawfulness for a proposed outbuilding within side garden
Applicant:	Mr Ade Perryman
Case Officer:	James Bridgman
Recommendation:	**Refuse**

Location

This application refers to no.2 Schwabe Street, a two storey semi-detached dwelling located in Middleton.

Description of Proposal

A certificate of lawfulness is sought for a proposed outbuilding within the garden area south of the dwelling.

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 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**

The proposed building has a large footprint in relation to that of the original dwelling. However, the floorplan indicates that it is required for purposes incidental to the enjoyment of the dwellinghouse (games room/study/store etc). It is also noted that a large area of garden space will remain.

(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**

Note – In this case the principal elevation comprises more than one wall facing in the same direction. Part of the outbuilding would be situated forward of the wall at the rear of the porch which faces the highway and forms a principal elevation.

(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—

(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**

[ ] **Does Not Comply**

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

☑ **Complies**

☐ **Does Not Comply**

(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 (c) of Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.

Notes for applicant:

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

- Site Location Plan: 00-01 Rev A
- Existing Site Plan: 00-02 Rev A
- Proposed Site Plan: 00-03 Rev A
- Proposed Floor Plans: 00-04 Rev A
- Proposed Elevations: 00-05 Rev A

	Date	**Officer**
Report Completed	04/05/2022	Signed: JB
Authorisation	06/05/2022	Signed: AT

Report Author James Bridgman