

Application Number:	24/00231/CPL
Location:	128 Mosedale Road, Middleton, M24 5QP
Proposal:	Application for a certificate of lawfulness for the proposed conversion of existing detached garage to ancillary residential accommodation including alterations to fenestration
Applicant:	Mrs Stacey Kowalczyk
Case Officer:	Bob Melling
DETERMINATION DATE 14.05.2024	EXT OF TIME N/A
RECOMMENDATION:	Refuse

Location

The application relates to no. 128 Mosedale Road, a detached dwelling located in Middleton. To the southeast of the dwelling there is an existing detached garage, the subject of this application.

Description of Proposal

The application seeks a certificate of lawfulness for the conversion of an existing detached garage for use as additional ancillary residential accommodation in association with the main dwellinghouse.

It is proposed that the building be converted internally from one open space into a playroom and shower room.

The existing garage door would be replaced with bi-folding doors and a new window would be formed on the existing rear elevation.

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

16/01520/FUL

Permitted Development Rights removed?	16/01520/FUL – Condition 9. PD rights removed for side extensions and dormer windows
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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).

Assessment (Class E)

Class E of Part 1 of Schedule 2 of the GPDO allows for the provision within the curtilage of the dwelling house of:

- 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—
(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**

The dual-pitch roof would have a maximum height of 3.8m and be within 2m of the boundary of the curtilage of the dwellinghouse.

(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 would not constitute permitted development by virtue of non-compliance with the requirements of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the building would be set within 2 metres of the boundary of the curtilage and exceed 2.5 metres in height.

Notes for applicant:

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

Location Plan

Existing & Proposed GA Floor Plans & Elevs. Drawing no. (01)001. Rev PL0

Existing GA Site Plan. Drawing no. (02)001. Rev PL0

Proposed Block Plan. Dated 14/03/2024

	Date	Officer
Report Completed	09/04/2024	Signed: BM
Authorisation	13/05/2024	Signed: RC

Report Author Bob Melling