APPLICATION NUMBER: 19/00534/CPL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
19/00534/CPL	Osian Perks	27 June 2019

Address: 47 Lenten Grove Heywood OL10 2LR

Proposal: Application for a certificate of lawfulness for a proposed single storey side extension and alterations to rear elevation.

PUBLICITY	**Weekly list expired?**	n/a	**Site notice expired?**	n/a
	Neighbour letters expired?	n/a	**Press Notice expired?**	n/a

DELEGATION	**Significant departure from local plan?**	n/a	**Contrary to national policy?**	n/a
	Applicant a Council Member or officer?	n/a	**Contrary to previous decision?**	n/a n/a
	Major with 10 or more objections and recommending approval?		**Called in or Planning Panel objection?**	n/a

COMMENTS	**Planning Panel comments received?**	n/a
	Neighbour comments received?	n/a

EIA	**Screening opinion completed and saved to Onbase?**	n/a

CONDITIONS	**Pre-commencement conditions proposed?**	n/a
	Pre-commencement conditions agreed (or notification period expired)?	n/a

RECOMMENDATION	

CHECKED AND SIGNED OFF BY: AT **DATE: 08.07.2019**

SITE

This application relates to a detached, domestic property sited within a residential cul-de-sac in Middleton. It has a conservatory adjoining its South side elevation.

PROPOSAL

A lawful development certificate is sought for a single storey side extension and alterations to the rear elevation.

Relevant History

07/D48955- First floor and two storey side extension to dwelling. Approved.

Legislation and Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Permitted development rights for householders – Technical Guidance (April 2017)

ANALYSIS

Erection of single storey side extension

To benefit from permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order (2015) (as amended) the side extension should accord with Paragraph A.1. This is assessed below:

Development is not permitted by Class A if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Permission has not been granted for use as a dwellinghouse by virtue of any of the named Classes of the schedule and the proposal therefore accords with criterion (a).

(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);

The proposed extension would accord with criterion (b).

(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;

The proposed extension would not exceed the height of the highest part of the roof of the existing two storey dwellinghouse. It would therefore accord with criterion (c).

(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;

The height of the eaves of the extension would not exceed the height of the eaves of the existing dwellinghouse and the proposal therefore complies with criterion (d).

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The proposed extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse or fronts a highway and forms a side elevation of the original dwellinghouse and therefore complies with criterion (e).

(f) subject to paragraph (g), 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 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

The proposed extension would be single storey only. It would not extend beyond the rear wall of the dwelling and ridge height of 4m. Whilst the flue would have a height of 4.8m, this is assessed under Class G of the order. Therefore it is considered that the proposal would accord with criterion f.

(g) For a dwellinghouse not on article 2(3) land nor on 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;

Paragraph A.4 of Schedule 2 sets out that part (g) relates only to extensions as notified to the local planning authority via the Larger Home Extension Notification process – paragraph (g) does not apply in this circumstance.

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

The proposed extension would not have more than a single storey; therefore criterion (h) is not applicable.

1. *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;*

The proposed extension would have an eaves height of less than 3 metres and would therefore accord with this criterion.

(*j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—*

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse; or

The proposed extension would have a ridge height of 4m. Whilst the flue would have a height of 4.8m, this is assessed under Class G of the order. Therefore it is considered that the proposal would accord with criterion j(i).The proposed extension would be single storey only satisfying criterion (j)(ii).

The proposed extension would have width of approximately 3.1m. The original dwelling has a width of 9m. Therefore the proposed extension would accord with criterion (j)(iii)

(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);

The proposed development would comply with criterion (ja).

(k) it would consist of or include-

(i) the construction or provision of a verandah, 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.

The proposed development would fail to accord with criterion (k)(iii) however, it is noted that within certain parameters, a flue is permitted by virtue of Class G (see below)

The site is not located on article 2(3) land and paragraph A.2 of Class A does not apply.

Paragraph A.3 of Class A states:

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;

The plans indicate that the scheme would be built in materials matching those of the host dwelling.

Flue

To benefit from permitted development under Schedule 2, Part 1, Class K of the Town and Country Planning (General Permitted Development) Order (2015) (as amended) the proposed flue should accord with Paragraph G.1. This is assessed below:

Development is not permitted by Class G if—

a) *permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of [Class M, N, P, PA or Q of Part 3] 1 of this Schedule (changes of use);*
b) *the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or*
c) *in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—*
   (i) fronts a highway, and
   (ii) forms either the principal elevation or a side elevation of the dwellinghouse.

Permission to use the property as a dwellinghouse was not granted by virtue of any class of this schedule. The proposal therefore accords with criterion a.

The flue would exceed the highest part of the roof of the proposed extension by 0.75m only. It would therefore accord with criterion b.

The dwellinghouse is not built on article 2(3) land therefore criterion c is not applicable.

Alterations to rear elevation

In order to constitute permitted development, this would need to accord with sub-paragraph A.3(a) of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order (2015) (as amended) which states:

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;

It is indicated on the plans submitted that the proposal would accord with sub-paragraph A.3(a).

RECOMMENDATION

Grant for the following reason:

The proposed alterations and enlargements would accord with Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended).

Notes for Applicant:

For the avoidance of doubt, this decision relates to the following plans:

- Proposed floor layout & elevations (option 3)

- Existing floor layout & elevations

Report Author Osian Perks