

APPLICATION NUMBER: 25/00728/CPL

Application Number:	25/00728/CPL
Location:	38 Holland Street, Heywood, OL10 4JZ
Proposal:	Application for a certificate of lawfulness for a proposed single storey rear extension.
Applicant:	Rachel J Cunliffe
Case Officer:	Bob Melling
Recommendation:	Refuse

Location

The application relates to no. 38 Holland Street, a modern, two storey, terraced dwellinghouse located to the north of Heywood Town Centre. The application property faces the highway to the north, is adjoined by no. 36 Holland Street to the west and is adjacent to nos. 33-41 Queens Park Road to the east. The rear boundary of the curtilage backs onto the rear gardens of nos. 2-4 Woodland Street and there are several commercial/light industrial units across Holland Street to the north.

Description of Proposal

A certificate of lawfulness is sought for a single storey rear extension. The extension would measure approximately 2.9m from the existing rear elevation with a maximum height of approximately 3.5m and a height to eaves of approximately 2.4m.

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

17/00403/FUL Erection of 6 no. two-storey dwellings with associated communal car parking. Granted STC June 2017

Condition 15 reads:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the revocation and re-enactment thereof, the dwellings hereby approved shall not be altered or extended, and no buildings shall be erected within their curtilage under Schedule 2, Part 1, Classes A, B, C and E of the above Order except with the prior written approval of the Local Planning Authority.

Reason: To prevent overdevelopment of the site and in the interests of the amenity of the occupiers of neighbouring properties in accordance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Permitted Development Rights removed?	PD rights removed under condition 15 of application 17/00403/FUL
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It is noted that PD rights have been removed by condition 15 of application 17/00403/FUL. The development proposed, in the absence of planning permission, would result in a breach of Condition 15 of Planning Permission 17/00403/FUL and as such would not be lawful. Notwithstanding, the assessment of the proposal is as follows:

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 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**

- (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**

- (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**

- (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**

- (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**

(A.2) In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse;
- or
- (ca) 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 (b) and (c)

☒ **Complies**

☐ **Does Not Comply**

Conditions

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**

Recommendation:

Refusal

The application property does not benefit from permitted development rights by virtue of condition 15 of Planning Permission 17/00403/FUL. The proposed development would therefore result in a breach of this condition and would be unlawful and therefore require planning permission.

Notes for applicant:

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

- Location Plan. Dwg no. IC1-00
- Existing Plans and Elevations. Dwg no. IC1-01
- Proposed Plans and Elevations. Dwg no. IC1-02

	Date	Officer
Report Completed	26/08/2025	Signed: BM
Authorisation	08.09.2025	Signed: AC

Report Author Bob Melling