

Application Number:	23/01144/CPL
Location:	8 Leighton Avenue, Middleton, M24 1PJ
Proposal:	Certificate of lawfulness for a proposed single storey side extension
Applicant:	Mr Joe Pritchard
Case Officer:	Bob Melling
Recommendation:	Refuse

Location

This application relates to no. 8 Leighton Avenue, a three storey, semi-detached dwelling with the third storey being accommodated within the roofspace which is served by a dormer window to the front elevation. The property is located on a small residential estate of architecturally similar dwellings in East Middleton. The layout of the estate is essentially housing around the perimeter with housing on an 'island' in the middle of the site. The application property is sited on the southwest corner of the 'island' and is served by a private access road which wraps around the front and side curtilage. There is a landscaped area separating the application property from the access road and this originally comprised low-level shrubs.

Description of Proposal

A certificate of lawfulness is sought for a single-storey side extension which projects 2.13m from the side elevation of the host dwelling. It is characterised by a lean-to roof form and has a maximum ridge height of approx. 3.24m and an eaves height of approx. 2.57m.

Is the proposal wholly within the curtilage of the dwellinghouse?

Yes

Relevant History:

23/00914/HOUS

Single-storey side extension
Refuse

10/D53491

Erection Of 37 Dwellings With Associated Works
Grant subject to conditions

Permitted Development Rights removed?

No - 10/D53491

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 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**

The proposed extension would be in front of the existing side elevation which fronts a private access road.

The 'Permitted development rights for householders' Technical Guidance document published in 2019 provides the following definition of highway:

“Highway” – is a public right of way such as a public road, public footpath and bridleway. **For the purposes of the Order it also includes unadopted streets or private ways.** [Officer’s emphasis]

On this basis, the proposed extension would not comply with criterion (e) of Class A.

- (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**

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 of the proposed extension is approx. 2.57m.

- (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 of a soil and vent pipe**
- ☐ **The plans do not include the addition to part of the roof of the dwellinghouse**

(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;

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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

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Complies

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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.

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Complies

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Does Not Comply

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Details not provided

Recommendation:

The proposal does not constitute permitted development by virtue of non-compliance with the requirements of Criterion (e) of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would front a highway.

Notes for applicant:

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

- Existing Site And Block Plan. Drg no. 766-01A
- Existing Ground Floor Plan. Drg no. 766-02
- Existing Roof Plan. Drg no. 766-03
- Existing Elevations. Drg no. 766-04
- Existing Site And Block Plan. Drg no. 766-05B
- Proposed Ground Floor Plan. Drg no. 766-06B
- Proposed Roof Plan. Drg no. 766-07A
- Proposed Elevations. Drg no. 766-08B

	Date	Officer
Report Completed	06/12/2023	Signed: BM
Authorisation	12/12/2023	Signed: RC

Report Author Bob Melling