

APPLICATION NUMBER: 23/00210/CPL

Application Number:	23/00210/CPL
Location:	27 Turbary Walk, Milnrow, Rochdale, OL16 4JN
Proposal:	Certificate of lawfulness for a proposed rear dormer extension
Applicant:	Mr Paul Rangeley
Case Officer:	Sam Yuen
Recommendation:	Refuse

CHECKED AND SIGNED OFF BY:**DATE:****Location**

The application relates to no. 27 Turbary Walk, a two-storey terraced dwelling located in Milnrow. The dwelling is adjoined by no. 26 Turbary Walk to the south-east and adjoined by no. 28 Turbary Walk to the north-west. Nos. 25-27 Turbary Walk are set back from the adjoining row of terraced dwellings by approx. 1.77m when viewed from the north-east elevation. The property is accessible to the north-east and south-west from Turbary Walk, a public footpath which surrounds all elevations of nos. 23-31 Turbary Walk. Leyfield Road, a public road providing vehicular access, adjoins Turbary Walk to the north-east. The property benefits from undesignated parking spaces on Leyfield Road to the north and is within close proximity to the Kingsway Business Park Metrolink tram station to the south.

Description of Proposal

Certificate of lawfulness is sought for a flat roof dormer which measures approx. 4.39m in length, approx. 2.68m in height, and approx. 6.53m in depth.

The proposed plans constitutes an alteration from an existing dormer which was assessed under application ref: 22/00809/HOUS, which sought retrospective planning permission for a flat roof dormer measuring approx. 4.39m in length, approx. 3.02m in height, and approx. 7.45m in depth.

The proposed plans also constitutes a reduction in the dimensions of the dormer from a previous application for certificate of lawfulness (ref: 22/01584/CPL), which sought approval for a flat roof dormer measuring approx. 4.39m in length, approx. 2.77m in height, and approx. 6.76m in depth.

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

22/00809/HOUS - Rear dormer extension (retrospective) – Refuse

Officer's Comment:

- ☐ It is considered that the flat-roofed dormer with its long range of visibility and use of grey cladding is an incongruous addition to the rear roof slope which is out of keeping with the character of the area. The dormer is therefore visually harmful and detrimental to the visual amenity of the area, contrary to Policies DM1 and P3 of the adopted Rochdale Core Strategy of 2016 and the guidance in the Council adopted Supplementary Planning Document 'Guidelines and Standards for Residential Development' of 2016.

22/01584/CPL - Certificate of lawfulness for a proposed rear dormer extension –
Refuse

Officer's Comment:

- ☐ The proposal does not constitute permitted development by virtue of non-compliance with the requirements of Criterion (c) and (d) of Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the plans indicate that the proposed dormer projects beyond the roof slope which forms the principal elevation of the dwellinghouse and front a highway. In addition, the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 40 cubic metres.

Permitted Development Rights removed?	Property has not had permitted development rights removed.
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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).

Permitted development rights for householders – Technical Guidance (Sept 2019)

Assessment (Class B)

Class B of Part 1 of the Schedule to the GPDO allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof 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) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

☒ Complies

☐ Does Not Comply

Note: The proposal confirm the roof of the existing dormer would be removed and modified to accord with the dimensions of the proposed plans.

- (c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and front a highway;

☐ Complies

☒ Does Not Comply

The host dwelling directly fronts Turbary Walk as the highway on both its north-east and south-west elevation. As stated in the Technical Guidance for permitted development rights, there can only be one principal elevation, therefore a view must be taken as to which elevation forms the principal elevation of the host dwelling. A supporting statement was submitted as part of this application and has been taken into consideration in the following assessment.

The south-west elevation of the host dwelling comprises of an entrance door with a small grassed curtilage space, bordered by low open-aspect metal railings and gate. This elevation faces a public footpath which is primarily accessed from the public road. The dwelling from this elevation is not prominent from the public road but is visible when viewed from the adjacent Metrolink station.

On the other hand, the north-east elevation of the host dwelling features a porch with a recessed entrance door which directly leads to the internal staircase, as indicated by the existing floor plans, a deliberate design feature which would suggest that the dwelling was designed to be accessed principally from this elevation. Forward of this elevation is a larger patio curtilage space surrounded by vertical timber fencing with a gate which adjoins the public footpath, followed by the public road and associated parking spaces. Relative to the south-west elevation, the dwelling from the north-east elevation has a greater range of visibility, especially when viewed from Leyfield Road to the east.

The submitted supporting statement contends the south-west elevation as the principal elevation by virtue of, amongst other things, the siting of the lounge on this elevation and the south-west elevation windows being markedly larger

than the windows on the north-east elevation. Whilst functional attributes factor into the assessment of the principal elevation, the position of the lounge as the assumed 'front' elevation does not adequately address other functional attributes on the north-east elevation, such as the recessed porch and directly facing staircase. Moreover, it is considered the sizing of windows relates to the function of the room it serves, rather than an indication of a principal elevation.

The supporting statement also notes that the south facing elevation also fronts the adopted highway which sets the postcode for the dwelling, however it is noted that Turbary Walk actually encompasses the terrace to all sides, completing an entire loop and being the footpath providing access to the south of the building.

It is accepted that the supporting statement notes the south-west elevation comprises the house number, letter box and low railings, physical attributes that can be perceived to form part of a 'front' elevation and thus principal elevation of the dwelling. However, such attributes are not outweighed by a distinctive architectural feature such as the recessed porch and the functional attributes it carries with the internal staircase and the adjoined public road.

The assessment of the principal elevation of the dwelling is a matter of fact and degree; taking into account the above assessment the north-east elevation is taken to be the principal elevation of the dwelling due to its functional attributes and prominence from the highway. The proposed dormer extends beyond the roof slope of this elevation and therefore does not comply with Criterion (c).

- (d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-
- (i) 40 cubic metres in the case of a terrace house, or
 - (ii) 50 cubic metres in any other case;

☒ **Complies**

☐ **Does Not Comply**

Dormer Volume Calculation

Height (m)	2.68
Depth (m)	6.53
Length (m)	4.39
Total (m³)	38.41

- (e) It would consist of or include –
- (i) The construction or provision of a veranda, balcony or raised platform, or
 - (ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

☒ **Complies**

☐ **Does Not Comply**

(f) The dwellinghouse is on article 2(3) land.

☒ **Complies**

☐ **Does Not Comply**

Conditions (Class B)

Development is permitted by Class B subject to the following conditions –

(a) The materials used in any exterior work 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) The enlargement must be constructed so that –

(i) Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension

(aa) The eaves of the original roof are maintained or reinstated; and

(bb) The edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

(ii) Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

(c) Any window inserted on 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

☒

Complies

☐

Does Not Comply

☐

Details Not Provided

Note: The proposed plans do not indicate any windows to the side elevation.

Recommendation: Refuse

The proposal does not constitute permitted development by virtue of non-compliance with the requirements of Criterion (c) of Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the plans indicate that the proposed dormer projects beyond the roof slope which forms the principal elevation of the dwellinghouse and front a highway.

Notes for applicant:

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

- Proposed Site Plan 1:100 – Rev. E
- Proposed Site Plan 1:250 – Rev. E
- Existing Ground Floor and First Floor Plan and Proposed Second Floor Plan – Rev. E
- Existing and Proposed Rear Elevation – Rev. E
- Side Plan and Proposed Side Elevation Cut A/A – Rev. E
- Site Plan and Proposed Side Elevation with Adjoining no. 28 Cut B/B – Rev. E
- Proposed Cross Section Plan – Rev. E
- Ceiling Joist Detail and Dormer Front Cross Section – Rev. E

	Date	Officer
Report Completed	17/03/2023	Signed: SY
Authorisation	26/04/2023	Signed: RK

Report Author Sam Yuen