

Application Number:	23/01396/CPL
Location:	14 Greenview Drive Rochdale OL11 5YQ
Proposal:	Certificate of lawfulness for proposed outbuilding in rear garden
Applicant:	Mr Liaquat
Case Officer:	Chelsea Petrillo
Recommendation:	Grant

Location

This application relates to no.14 Greenview Drive, a two-storey detached dwelling in the Norden area of Rochdale. The dwelling faces east towards the highway and is adjacent to no.16 to the south with the grounds of Standrings House abutting the northern boundary. To the rear, the property benefits from a circa 40m rear garden, which abuts Rochdale Golf Course.

Description of Proposal

Permission is sought for a flat roof outbuilding located in the rear garden with a floor area of 44.6m².

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

21/00553/HH42

Prior notification for a two storey extension measuring 7.0m from the rear of the original dwelling (with a maximum 7.0m from the rear of the original dwelling (with a maximum height of 4.00m and height to eaves 2.7m)

Refuse May 2021

1. The proposal does not constitute permitted development by virtue of non-compliance with the requirements of criteria G, H, I and K of Class A, 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 two storey form would project 7m from the rear of the original dwelling and have a maximum height over 4m, have a height to eaves of more than 3m and be within 2m of a common boundary, include more than a single storey and have a projection of more than 3m and include alterations to the roof of the original dwelling. The proposal would also fail to comply with condition A.3(c) by virtue of the chosen roof form at first floor level.
2. By virtue of its siting, size and design, the proposed extension would result in an undue loss of amenity for the occupiers of no.14 Greenview Drive due to a loss of light and outlook to the rear ground floor windows and an overbearing impact on the rear outdoor amenity space. As such, the proposed development would fail to accord with policies DM1 and P3 of the adopted Rochdale Core Strategy, the Council's 'Guidelines and Standards for Residential Development' SPD and the National Planning Policy Framework.

21/01087/HH42

Prior notification for a single storey extension measuring 7m from the rear of the original dwelling (with a maximum height

of 4m and height to eaves 2.7m) (re-submission 21/00553/HH42)

Refuse Aug 2021

1. By virtue of its siting, size and design, the proposed extension would result in an undue loss of amenity for the occupiers of no.16 Greenview Drive due to a loss of light and outlook to the rear ground floor windows and an overbearing impact on the rear outdoor amenity space. As such, the proposed development would fail to accord with policies DM1 and P3 of the adopted Rochdale Core Strategy, the Councils 'Guidelines and standards for Residential Development' SPD and the National Planning Policy Framework

Permitted Development Rights removed?	N/A
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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 (September 2019)

Assessment (Class E)

Class E of Part 1 of Schedule 2 of the GPDO allows for:

- 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.*

Officer Note: No details of the use of the proposed building were indicated in the application or on the submitted floorplan, which indicates a single space without any internal walls or fittings. It has been clarified over email that the use for the outbuilding is "personal recreation" clarified to be playhouse/gym etc. These uses are considered to be incidental to the enjoyment of the dwellinghouse.

Development is not permitted by Class E if:

- (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**

(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

and 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**

The site is not on any category of article 2(3) land.

Recommendation: Grant

The proposal constitutes permitted development by virtue of 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).

Notes for applicant:

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

- Site Location Plan
- Block plans
- Floor plans
- Proposed plans

	Date	Officer
Report Completed	13.02.2024	Signed: CPetrillo
Authorisation	16.02.2024	Signed: TH

Report Author Chelsea Petrillo