

Application Number:	23/00161/CPL
Location:	87 Kingsway, Rochdale, OL16 5HR
Proposal:	Certificate of lawfulness for a proposed rear dormer extension
Applicant:	Mr Saif Mahmood
Case Officer:	Sam Yuen
Recommendation:	Refuse

CHECKED AND SIGNED OFF BY: RK

DATE: 13/09/2023

Location

The application relates to no. 87 Kingsway, a two-storey semi-detached dwelling located in Kingsway. The dwelling is adjoined by no. 85 Kingsway to the west, adjacent to no. 89 Kingsway to the east, and faces the highway to the south. The rear curtilage of the boundary borders the rear curtilages of nos. 16 and 18 Lonsdale Avenue.

Description of Proposal

Certificate of lawfulness is sought for a flat roof dormer on the rear roof slope of the host dwelling which measures approx. 6.28m in length, approx. 2.76m in height, and approx. 3.62m in depth.

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

N/A

Permitted Development Rights removed?	Cannot locate original permission.
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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**

- (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**

- (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)	2.76
Depth (m)	3.62
Length (m)	6.28
Total (m³)	31.37

- (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**

Note: The *Permitted Development – Technical Guidance for Householders* sets out that “the materials used for facing a dormer should appear to be of similar colour and design to the materials used in the main roof of the house when viewed from ground level.” The submitted proposed plans indicate the walls of the proposed rear dormer to be constructed in red brick which would not be of a similar colour or appearance to the material of the existing roof and therefore does not comply.

- (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

Note: The submitted proposed plans indicate the proposed rear dormer to extend beyond the outside face of the external rear wall of the original house and therefore does not comply.

(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

Recommendation: Refuse

The proposal does not constitute permitted development by virtue of non-compliance with the requirements 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 materials used in the construction of the proposed rear dormer walls would not be of a similar appearance to the existing roof. In addition, the plans indicate the proposed rear dormer to extend beyond the external rear wall of the original dwelling.

Notes for applicant:

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

- Location Plan and Proposed Site Plan – Drawing No. A084_L(00)001 Rev. B dated 13/07/2023
- Existing Floor Plans and Roof Plan – Drawing No. A084_L(00)002 Rev. A dated 22/02/2023
- Existing Front and Rear Elevation – Drawing No. A084_L(00)003 Rev. B dated 13/07/2023
- Existing Side Elevations – Drawing No. A084_L(00)004 Rev. B dated 13/07/2023
- Proposed Floor Plans and Roof Plan – Drawing No. A084_L(00)005 Rev. A dated 22/02/2023
- Proposed Front and Rear Elevation – Drawing No. A084_L(00)006 Rev. B dated 13/07/2023
- Proposed Side Elevations – Drawing No. A084_L(00)007 Rev. B dated 13/07/2023

	Date	Officer
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Report Completed	04/08/2023	Signed: SY
Authorisation	13/09/2023	Signed: RK

Report Author Sam Yuen