

Class A – Larger Homes Extension

Application Number:	24/00089/HH42
Location:	60 Lowry Way Rochdale OL11 2BE
Proposal:	Prior approval for a proposed single storey rear extension measuring 6m from the original dwelling (with a maximum height of 2.910m and height to eaves to 2.530m)
Applicant:	S Fakhar & I Sobia
Case Officer:	Chelsea Petrillo
Recommendation:	Refuse

CHECKED AND SIGNED OFF BY: TH

DATE: 14.05.2024

Site Description

60 Lowry Way is a two storey detached dwelling located in the Balderstone and Kirkholt ward of Rochdale, adjoining boundaries with nos.58, 62, 64, 66 and 83 Lowry Way. The plot benefits from on-site parking and generous amenity space.

Neighbours Notified: Nos 58, 62, 63, 64, 66, 68, 83 Lowry Way.

Is the proposed development wholly within the curtilage of the dwellinghouse?	Yes
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History - Permitted Development Rights removed?	Yes
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With reference to the original planning application (15/00826/FUL), Condition 5 of the planning permission states:

“Notwithstanding the provisions of Schedule 2, Parts 1 and 2, of the Town and Country Planning (General Permitted Development) (England) Order 1995, or any equivalent Order following the revocation and re-enactment thereof, the property hereby approved shall not be extended in anyway, except with the prior written approval of the Local Planning Authority.

Reason: To ensure that acceptable standards of privacy and amenity are maintained, in accordance with UDP Policy BE/2 and the Guidelines and Standards for Residential Development SPG.

The effect of this condition was to remove permitted development rights under Schedule 2, Parts 1 and 2 from the property, with the intention that any extensions which would otherwise be permitted development would require assessment through a planning application. Development therefore cannot be undertaken under those permitted development rights at the property. The larger extension prior approval process is not an appropriate means of assessment to comply with the requirements of condition 5.

However, for the sake of completeness an assessment against Class A follows below.

Publicity	Neighbour letters expired?	Y	Responses received?	N
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Prior Notification of a Proposed Larger Home Extension – Town and Country Planning (General Permitted Development) Order 2015 (as amended) Schedule 2, Part 1 (Class A.1).

Description of Proposed Development

The Host Dwelling is: Detached ☒ Other ☐

How far will the proposed extension extend beyond the rear wall of the original dwelling house measured externally:

What will be the maximum height of the proposed extension measured externally from the natural ground level:

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 dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)

☒ **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 of the original dwellinghouse; or
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;

☒ **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 –
- a. 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**
 - b. exceed 4 metres in height;

☒ **Complies**

☐ **Does Not Comply**

The host dwelling is a detached property and therefore eligible for an 8m extension. The plans indicate a projection of 6m and a maximum height of 2.74m

- h) the enlarged part of the dwellinghouse would have more than one storey and—
- i. extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - ii. 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:
- i. Exceed 4 metres in height;
 - ii. Have more than a single storey, or

- iii. Have a width greater than half the width of the original dwellinghouse

☒ **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**

The proposal would not be joined to an existing enlargement.

- k) It would consist of or include-
- i) The construction or provision of a verandah, balcony or raised platform
 - ii) The installation, alteration or replacement of microwave antenna
 - iii) The installation, alteration or replacement of a chimney, flue, soil and vent pipe
 - iv) An alteration to any part of the roof of a dwellinghouse

☒ **Complies**

☐ **Does Not Comply**

- ☐ **The plans do not include a balcony or raised platform that would exceed 0.3m from ground level**
- ☐ **The plans do not include the alteration of a microwave antenna**
- ☐ **The plans do not include the alteration or installation of a soil and vent pipe**
- ☐ **The plans do not include the alteration to any part of the roof of the dwellinghouse**

Is the dwellinghouse on Article 2(3) land or on a Site of Special Scientific Interest?

☒ **Complies**

☐ **Does Not Comply**

A.3 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;

The development has not begun on site prior to -

- a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;

- b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or
- c) the expiry of 42 days following the date on which the information referred to in paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

☒ **Complies**

☐ **Does Not Comply**

A.4 Development is permitted by Class A subject to the following conditions –

(7) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.

(8) The local planning authority may require the developer to submit such further information regarding the proposed development as the authority may reasonably require in order to determine the application

(9) The local planning authority must, when considering the impact referred to in sub-paragraph (7) -

(a) take into account any representations made as a result of the notice given under sub-paragraph (5); and

(b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations

☒ **Complies**

☐ **Does Not Comply**

Conclusion

No representations from adjoining premises were received. Therefore, in the event that the proposed extension was permitted development, the prior approval of the local planning authority would not be required. However, as set out above, the relevant permitted development rights were removed from the property when planning permission was originally granted. Any application for full planning permission for the proposed extension is required to satisfy condition 5 on the original permission.

Decision: Refuse

1. **The relevant permitted development rights were removed from the property by condition 5 on the planning permission (ref 15/00826/FUL) which originally approved the dwelling. The proposed extension would**

therefore not comprise permitted development under Schedule 2, Part 1, Class A of the Town and Country (General Permitted Development) (England) Order 2015 (as amended). The application for a determination as to whether the prior approval of the Local Planning Authority as to the impact of the proposed development on the amenity of any adjoining premises is therefore refused.

Informative:

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

- Location Plan
- 2098 /2 Proposed Site Plan and Elevation

Report Author Chelsea Petrillo