

APPLICATION NUMBER: 22/01472/CPL

Application Number:	22/01472/CPL
Location:	Carrick, 111A Rochdale Road, Milnrow, Rochdale, OL16 4DU
Proposal:	Certificate of lawfulness for a proposed single storey rear extension
Applicant:	Mr Jonathan Gilbertson
Case Officer:	Sam Yuen
Recommendation:	Refuse

CHECKED AND SIGNED OFF BY: RK DATE: 26/01/2023

Location

The application relates to no. 111A Rochdale Road, also known as Carrick, a two-storey detached dwelling located in Milnrow. The dwelling is adjacent to no. 111 Rochdale Road to the south-east, adjacent to no. 113 Rochdale Road to the north-west, and faces the highway to the north-east.

Description of Proposal

Certificate of lawfulness is sought for a single-storey extension which projects approx. 4.05m from the rear elevation of the host dwelling. The proposed rear extension is characterised by a lean-to roof and has a ridge height of approx. 3.75m and an eaves height of approx. 2.66m.

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

20/01038/FUL - Erection of 3no' 2 bedroom dwellings to rear of Carrick including associated access and boundary fencing - Grant subject to conditions

22/00813/FUL - Erection of one detached dwelling - Grant subject to conditions

Permitted Development Rights removed?	Cannot locate original planning 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

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**

- (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**

The host dwelling is a detached property and therefore eligible for a 4m extension. The plans indicate a projection of 4.05m and 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**

Note: The height to eaves is approx. 2.66m.

- (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 clearly demonstrate the alteration or installation of a soil and vent pipe. In spite of this, it is noted alterations to a soil and vent pipe would be permitted under Class G of permitted development rights.**
- ☐ **The plans do not include the alteration to any part of the roof of the dwellinghouse**

Finally, 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;

☐ **Complies**

☒ **Does Not Comply**

☐ Details Not Provided

Note: The plans indicate the use of render for the walls of the proposed extension, contrary to the brickwork of the existing dwelling.

- 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

☒ Complies

☐ 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.

☒ 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 Criterion (f) and Condition (a) 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 single-storey extension would extend beyond the rear wall of the original dwellinghouse by more than 4 metres. Additionally, the plans indicate the enlarged part of the dwellinghouse would not be constructed in materials of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Notes for applicant:

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

- Location Plan and Existing Site Plan – Drawing No. R-0732-05 Rev. A
- Proposed Site Plan – Drawing No. R-0732-05
- Existing Floor Plan and Elevations – Drawing No. R-0732-01
- Proposed Floor Plan and Elevations – R-0732-04 Rev. A

	Date	Officer
Report Completed	25/01/2023	Signed: SY

Authorisation	26/01/2023	Signed: RK
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Report Author Sam Yuen