APPLICATION NUMBER: 21/00372/CPL

Application Number:	**21/00372/CPL**
Location:	8 Stonehill Crescent Rochdale OL12 7JW
Proposal:	Application for a certificate of lawfulness for a proposed outbuilding to rear
Applicant:	Mr Anjum Rehman
Case Officer:	James Bridgman
Recommendation:	**Refuse**

Location

The application refers to 8 Stonehill Crescent, a semi-detached property which is located in Rochdale. The application site shares a side boundary with 6 and 10 Stonehill Crescent. At the rear boundary of the site is 37 and 35 Stonehill Road.

Description of Proposal

The proposal seeks permission for a certificate of lawful development, for the erection of a detached outbuilding, to the north eastern corner of the rear garden.

The outbuilding would be located approximately 0.2m from the rear (north western) boundary and 0.13m from the side (north eastern) boundary.

The outbuilding would measure a length of 4.85m, a width of 3.95m and would have a dual pitched roof. The eaves height would measure 2.05m and the ridge height 3m. The outbuilding would have a door on the side elevation.

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

Relevant History

21/00005/HOUS – Erection of a single storey detached outbuilding to rear. Decision: Refuse

Permitted Development Rights removed?	No

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.

(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**

Notes - the proposed outbuilding would be located within 2 metres of both the rear and side boundaries of the site and would have a maximum height of 3 metres.

(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

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**

Recommendation: Refuse

The proposal does not constitute permitted development by virtue of non-compliance with the requirements of Criterion e (iii) of Class E, 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 outbuilding would exceed 2.5 metres in height and be within 2 metres of the rear and side boundary of the curtilage.

Notes for applicant:

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

- Proposed Plans and Site Plan: 1691A/1
- Location Plan

	Date	**Officer**
Report Completed	25/05/2021	Signed: JB
Authorisation	25/05/2021	Signed: AT

Report Author James Bridgman