

Application Number:	23/00239/CPL
Location:	1 Turnfield Close, Rochdale, OL16 2QF
Proposal:	Certificate of lawfulness for a proposed single storey rear extension
Applicant:	MATTHEW HOLMES
Case Officer:	Sam Yuen
Recommendation:	Refuse

CHECKED AND SIGNED OFF BY:

DATE:

Location

The application relates to no. 1 Turnfield Close, a two-storey detached dwelling located in Smallbridge. The dwelling is adjacent to no. 3 Turnfield Close to the south-east, adjacent to no. 13 Wheelwright Drive to the north-west, and faces the highway to the south-west. The rear boundary of the curtilage borders the rear curtilage of no. 10 Greencroft Way to the north-east.

Description of Proposal

Certificate of lawfulness is sought for a proposed single-storey extension which projects 3m from the rear elevation of the host dwelling. It is characterised by a flat roof form with a centrally placed roof lantern and has a ridge height of 3.81m.

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

N/A

Permitted Development Rights removed?	No
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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 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 3m.

In measuring the height of the enlarged part of the dwellinghouse, the *Permitted Development – Technical Guidance for Householders* sets out “when calculating the height of the enlarged part of the house, this measurement should be at the highest part of the enlargement and may include any protrusions above the roof such as parapet walls”. The height of eaves should be measured externally and parapet walls should not be included in any calculation of eaves height (as per the calculation for criterion (d) above.

Taking this into account, the maximum height of the enlarged part of the dwellinghouse is to be taken from the highest external ground level to the top of the pyramidal roof lantern, which equals 4.28m and the development does not therefore 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**

The eaves of the proposed rear extension is taken to be the height of the flat roof projection, excluding the parapet (as per the assessment of criterion (f)). The height to eaves is therefore 3.37m and therefore 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 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 include the alteration or installation of a soil and vent pipe. However, it is noted the alteration of a soil and vent pipe may fall under permitted development rights under Class G**
- ☐ **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**

- 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**

Note: The proposed materials for construction would be similar in appearance to the exterior of the existing dwellinghouse and consists of a single storey extension.

Assessment (Class G)

Class G of Part 1 of Schedule 2 of the GPDO allows for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse 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, PA or Q of Part 3 of this Schedule (change of use)

- ☒ **Complies**
- ☐ **Does Not Comply**

- (b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or

- ☒ **Complies**
- ☐ **Does Not Comply**

- (c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which-
- (i) fronts a highway, and
 - (ii) forms either the principal elevation or a side elevation 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 (f) and (i) 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 proposed single-storey rear extension would exceed 4m in height. The proposed rear extension would also be within 2 metres of the boundary of the curtilage of the dwelling, and the height of the eaves of the enlarged part would exceed 3 metres.

Notes for applicant:

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

- Location Plan
- Existing and Proposed Site Plan – Drawing No. 23.3072.3
- Existing Floor Plan and Elevations – Drawing No. 23.3072.1
- Proposed Floor Plan and Elevations – Drawing No. 23.3072.2

	Date	Officer
Report Completed	26/04/2023	Signed: SY
Authorisation	03/05/2023	Signed: RK

Report Author Sam Yuen