APPLICATION NUMBER: 18/01094/CPL

Application Number:	**18/01094/CPL**
Location:	Heald Top, Judith Street, Rochdale, OL12 7HS
Proposal:	Application for a certificate of lawfulness for the proposed demolition of existing single storey flat roof extension and replacement with larger pitched roof extension
Applicant:	Mrs Hardman
Case Officer:	Mr Van Eker
Recommendation:	**Grant**

Officer dealing with planning matters / Councillor app?	NO	**Representations?**	NO
Decision maker management interest in site?	NO	**Call up request?**	NO

Location

The application relates to Heald Top, a detached bungalow style property with pitched roof dormer extensions to front and rear. The dwelling is accessed via Judith Street and faces towards the end of this road with a variety of other housetypes to the front of the property. To the north, the property is adjacent to number 30 Overdell Drive which lies in a higher position than the application property. Part of the rear boundary of the property is adjacent to Overdell Drive and part adjacent to number 15 Heald Drive. To the south there are a further two neighbouring properties, numbers 31 and 33 Heald Close.

Description of Proposal

The application seeks a lawful development certificate for a proposed replacement of a flat roofed single storey rear extension with a wider pitched roof extension that would remain single storey and sited to the rear of the property. The proposed new extension would have the same projection as the existing feature of approximately 7.39m from the rear elevation of the property and have an overall width of approximately 3.1m. The extension would be attached to the rear elevation of the property and an existing attached garage and utility area. The extension would feature a dual pitched roof with gable end over the extension.

Relevant History

02/D40222
Single Storey And Two Storey Extensions And Alterations To Dwelling
Approved with conditions 08/07/2002

10/D52996
Two Storey Side Extension To Dwelling
Approved with conditions 28/04/2010

13/00332/HOUS
Application for new planning permission to replace extant permission D52996 to extend time limit for implementation for two storey side extension to dwelling
Approved with conditions 23/05/2013

13/01332/ANM
Non material amendment to 13/00332/HOUS for the installation of a full height window to front elevation and removal of window from rear elevation
Approved with conditions 21/01/2014

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 (April 2017)

Assessment

Class A

Class A of Part 1 of the Schedule to the GPDO allows for the enlargement, improvement or other alteration of a dwellinghouse 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 or Q of Part 3 of the GPDO

Complies

(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

(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

(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

(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

(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 3 metres in the case of any other dwellinghouse, or exceed 4 metres in height.

Complies

(g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor 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

(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.

Note – This application does not propose an extension with more than a single storey and paragraph (h) is therefore not applicable.

Complies

(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

(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 include an alteration to any part of the roof of the dwellinghouse.

Complies

(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 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

The dwellinghouse is not on article 2(3) land and therefore paragraph A.2 of Schedule 2, Part 1 of the GPDO does not apply.

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;

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
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.

The proposed materials for construction would be similar in appearance to the exterior of the existing dwellinghouse as the brickwork and roof tiles would match those as used on the main dwelling. The proposal consists of a single storey rear extension; therefore conditions (b) and (c) do not apply.

Class B

In addition to the above, the roof of the proposed extension would adjoin the main roof of the dwelling and therefore this must be considered under Class B of Part 1 of the Schedule to the GPDO which 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 has been granted only by virtue of Class M, N, P or Q of Part 3 of the GPDO

Complies

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

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 fronts a highway

Complies

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

DOES NOT COMPLY

Case Officer:
The existing property features a 3m side extension which includes an additional roof space to first floor of an approximate net addition of 53 cubic metres over the property before this work took place. In addition to this, the property has benefited from pitched roofs over the front and rear dormers which were previously flat roofed. The additional roof space proposed would extend from the existing roof and contribute towards this with a net addition of approximately 13 cubic metres.

e. it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform, or
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe

Complies

f. The dwellinghouse is on article 2(3) land.

Complies

Finally paragraph B.2 of the above order stipulates that 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
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

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.

Condition B.2 (b)(i) (aa) and (bb) and (b) (ii) do not apply as the extension is an enlargement that joins the original roof to a rear extension. (c) does not apply as the roof does not form a proposed side wall formed from a roof addition.

Recommendation: REFUSE for the following reasons:

1. The proposed development would result in the cubic content of the resulting roof space exceeding the cubic content of the original roof space of the dwellinghouse by more than 50 cubic metres. As such the proposal is not permitted by of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as it would be contrary to paragraph B.1.(d).

Notes for applicant:

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

- Proposed Site Plan Rev P1 Dated 25/09/2018
- Existing Drawings, Drawing Number A107 Rev 1
- Proposed Drawings, Drawing Number A106 Rev 1
- 3D Views, Drawing Number A102 Rev 1
- 3D Views, Drawing Number A101 Rev 1

	Date	Officer
Report Completed	19/11/2018	Signed: JVE
Authorisation	20/11/2018	Signed: AT

Report Author John Van Eker