

Application Number:	25/00210/CPE
Location:	3 Melton Close, Heywood, OL10 3DS
Proposal:	Application for a certificate of lawfulness (existing) for an additional decked area within rear garden
Applicant:	Mr Akbar Ali Sarwar
Case Officer:	Bob Melling
Recommendation:	Grant

Location

This application relates to no. 3 Melton Close, a two storey terraced dwelling located in Heywood. The dwelling faces northeast towards the highway and adjoins no. 1 Melton Close to the southeast and no. 5 to the northwest. Due to the topography of the land the rear garden is split level with a raised decking area.

The decking area has recently been replaced, although photographic evidence indicates that the height and footprint of the decking has not changed other than the additional section to which the current application relates (Figure 1). The applicant states that the works were substantially completed in August 2024.

September 2016



December 2024



Figure 1 - Images of decking in 2016 and 2024

Description of Proposal

A certificate of lawfulness is sought for an additional area of raised decking within the rear garden of the application property.

Is the proposal wholly within the curtilage of the dwellinghouse?

Yes

Relevant History

N/A

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.

Officer's note: The proposed decking would be used to provide level outdoor amenity space, which is considered to be a use incidental to the enjoyment of the dwellinghouse.

Development is not permitted by Class E if:

(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**

- (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**

Officer's note: Raised platforms are not permitted development under Class E.

The Government's 'Permitted development rights for householders: Technical Guidance' (2019) provides the following guidance regarding raised platforms:

'A raised platform is defined ... as any platform that has a height of more than 0.3 metres ... Garden decking will therefore be permitted development under Class E subject to it not exceeding this 0.3m height limit and subject to the other limits and conditions under this Class' (MHCLG, p. 44).

When measuring height, the Technical Guidance explains that: 'Where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building' (MHCLG, p. 6).

Figure 2 below shows the ground level underneath the decking prior to its replacement. The proposed decking would not measure more than 0.3m above the ground level at its highest part and therefore the proposed decking would not be defined as a raised platform.

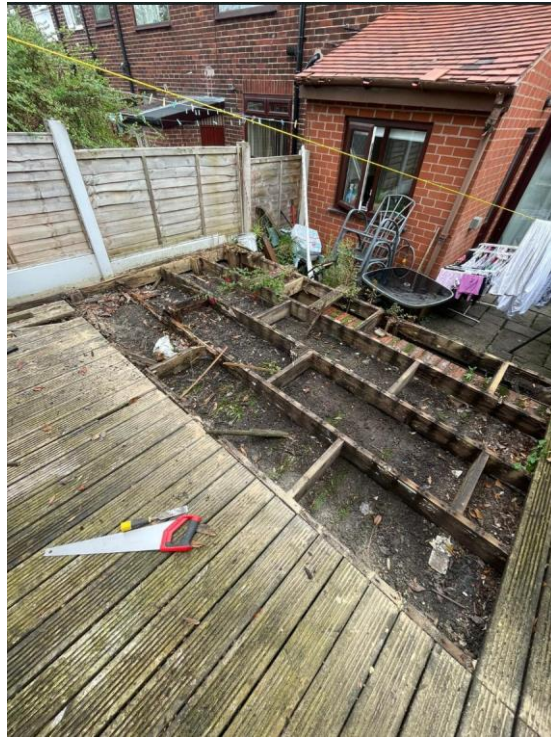


Figure 2 - Image of decking prior to replacement

(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

and 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**

The site is not on any category of article 2(3) land.

Recommendation: Grant

The proposal constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Notes for applicant:

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

- Location Plan dated 03-Mar-25
- Existing Block Plan / Location Map. Drawing No. 3-M-CI-OL10-LOC_BLK
- Floor Plans. Drawing No. 3-M-CI-OL10-Plans_1.1
- Existing Elevations. Drawing No. 3-M-CI-OL10-Elevations_1.1
- Existing Elevations. Drawing No. 3-M-CI-OL10-Elevations_1.2

	Date	Officer
Report Completed	26/03/2025	Signed: BM
Authorisation	17/04/2025	Signed: TH

Report Author Bob Melling