

Application Number:	25/00058/CPL
Location:	136 Drake Street, Rochdale, OL16 1PS
Proposal:	Certificate of lawfulness for proposed loft conversion
Applicant:	Mr Sarhad Khder
Case Officer:	Hamish Rigg
Recommendation:	Refuse

Location

The application relates to no. 136 Drake Street; a two-storey end of terrace property in Rochdale town centre. The building is currently used as a community and tuition centre. The surrounding area is typically urban, comprising a dense built environment and a variety of land uses, including retail, commercial, transport and residential.

No. 136 faces east, fronting the pavement and overlooking the adopted highway. It adjoins no. 138 to the south-west and is flanked by Moore Street to the north-east. The rear boundary of the curtilage faces north-west and borders Back Drake Street.

Description of Proposal

Permission is sought for a flat roof rear dormer, comprising four UPVC windows and slate tile cladding. The dormer would measure 11.6m (width) X 2.3m (height) X 3.8m (depth).

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

24/00227/FUL – Approved:

Change of use from Office and Tuition Centre (Class E) to Community and Tuition Centre (Class F2) including two single storey rear extensions and external fire exit stairs

22/01532/FUL – Approved:

Change of use of first floor from office space to 3No self-contained apartments. Single storey rear extension to ground floor offices.

06/D4706 – Approved:

Two-storey rear extension

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).

Assessment

As per application 24/00227/FUL, the lawful use of this building is as a community and tuition centre, falling Use Class F2. It appears from the submission of this application by the same applicant that the approved use has commenced.

Schedule 2, Part 7 of the General Permitted Development Order refers to 'Non-domestic extensions and alterations etc.', yet Part 7 does not include any provision for extensions to buildings which fall under Use Class F2. As such, there are no permitted development rights allowing alterations and extensions without planning permission to the application site in its current use. Therefore the application for a lawful development certificate is refused, as per the criteria of the GPDO.

Recommendation:

Refuse

The proposal does not constitute permitted development by virtue of non-compliance with the requirements of the criteria of Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as Part 7 does not relate to buildings which fall under Use Class F2, of the which the application site does.

Notes for applicant:

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

- Location Plan, Approved Existing & Proposed Block Plans: WE -DR -13 -01 -23 -01 -01
- Approved Existing & Proposed Basement and Ground Floor Plans: WE-DR-13-01-23-01-02
- Approved Existing & Proposed First and Loft Plans: WE-DR-13-01-23-01-03
- Approved Existing & Proposed Roof Plan and East Elevation: WE-DR-13-01-23-01-04
- Approved Existing & Proposed West, Rear and Front Elevations: WE-DR-13-01-23-01-05

	Date	Officer
Report Completed	03/04/2025	Signed: Hamish Rigg
Authorisation	07/04/2025	Signed: TH

Report Author Hamish Rigg