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| <b>Application Number:</b> | <b>23/00734/CPL</b>                                                                                                      |
| <b>Location:</b>           | 17 Curlew Close<br>Rochdale<br>OL11 5PX                                                                                  |
| <b>Proposal:</b>           | Certificate of lawfulness for a proposed porch to front elevation including alteration to fenestration on side elevation |
| <b>Applicant:</b>          | Ms Gemma Thomson                                                                                                         |
| <b>Case Officer:</b>       | Chelsea Petrillo                                                                                                         |
| <b>Recommendation:</b>     | <b>Grant</b>                                                                                                             |

### **Location**

17 Curlew Close is a two-storey detached property located in the Bamford ward of Rochdale. The property currently hosts a rear conservatory and lawned front and rear garden space with a driveway to the front of the property.

### **Description of Proposal**

A certificate of lawfulness is sought for a porch to the front elevation of the original dwellinghouse as well as the replacement of the existing ground floor door on the south side elevation with a window matching the proportions of those on the existing.

As originally proposed the porch would not have complied with condition d) of Class B, due to it's proximity to the curtilage of the house with the public footpath at the immediate south of the property. The position of the porch has been amended to comply with this condition.

|                                                                          |     |
|--------------------------------------------------------------------------|-----|
| <b>Is the proposal wholly within the curtilage of the dwellinghouse?</b> | Yes |
|--------------------------------------------------------------------------|-----|

### **Relevant History:**

23/00733/HH42

Prior Approval for a Proposed Single Storey Rear Extension Measuring 5.06m From The Original Dwelling (With a Maximum Height of 3.84 and Height to Eaves to 2.47m)  
Pending Consideration

|                                              |                                   |
|----------------------------------------------|-----------------------------------|
| <b>Permitted Development Rights removed?</b> | Cannot locate original permission |
|----------------------------------------------|-----------------------------------|

### **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 D)**

Class D of Part 1 of Schedule 2 of the GPDO allows for the erection of a porch outside any external door of a house subject to it not being contrary to any of the following criteria:

D1. Development is not permitted by Class D if –

- (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 ground area (measured externally) of the structure would exceed 3 square metres

☒ **Complies**

☐ **Does Not Comply**

**The external ground area of the porch is 2.91m<sup>2</sup>**

- (c) any part of the structure would be more than 3 metres above ground level or

☒ **Complies**

☐ **Does Not Comply**

- (d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway

☒ **Complies**

☐ **Does Not Comply**

### **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.

☐  
x **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**

- (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**

- (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**

- (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**

- (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 include a balcony or raised platform
- The plans do include the alteration of a microwave antenna
- The plans do include the alteration of a soil and vent pipe
- The plans do include the addition to part of the roof of the dwellinghouse

(A.2) In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse; or

- (ca) 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 (b) and (c)

☒ **Complies**

☐ **Does Not Comply**

Conditions

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**

**Recommendation: Grant**

**The proposal constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 1, Class A and D 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 drawings:-

- T257-03 Location Plan
- T257-05/A Site Plan Proposed
- T257-06 Proposed Elevations and Floor Plans

|                         | <b>Date</b> | <b>Officer</b>    |
|-------------------------|-------------|-------------------|
| <b>Report Completed</b> | 01.08.2023  | Signed: CPetrillo |
| <b>Authorisation</b>    | 21.09.2023  | Signed: TH        |

Report Author Chelsea Petrillo