

**APPLICATION NUMBER: 22/01363/CPL**

|                            |                                                                       |
|----------------------------|-----------------------------------------------------------------------|
| <b>Application Number:</b> | <b>22/01363/CPL</b>                                                   |
| <b>Location:</b>           | 35 Seven Acres Lane, Rochdale,                                        |
| <b>Proposal:</b>           | Certificate of lawfulness for a proposed outbuilding within curtilage |
| <b>Applicant:</b>          | Mr S MORGAN                                                           |
| <b>Case Officer:</b>       | Chelsea Petrillo                                                      |
| <b>Recommendation:</b>     | <b>Grant</b>                                                          |

**Location**

The application relates to No.37 Seven Acres Lane – a two storey detached property situated in the Norden ward of Rochdale. The dwelling faces north-west onto the highway, sits adjacent to No.44 and No.42 Seven Acres Lane and is sited next to No.37 Seven Acres Lane and No.2 Barlow Moore Close.

**Description of Proposal**

A certificate of lawfulness is sought for an outbuilding within the site curtilage. The maximum height of the proposed outbuilding will be 2.5m with an overall length of 8m. It is proposed the outbuilding will be used as a garden room and storage space.

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

**Relevant History**

15/00762/HOUS Demolition of existing conservatory and construction of part two storey and part single storey rear extension with balcony – REFUSE 26.08.2015

15/01049/CPL Certificate of proposed lawfulness for proposed single storey rear extension – GRANT 30.10.2015

16/01046/HOUS Erection of porch to front elevation – GRANT 24.10.2016

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|----------------------------------------------|--------------------------------------|
| <b>Permitted Development Rights removed?</b> | Unable to 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 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.

- (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**

(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

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**

**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 drawings:-

- LOCATION PLAN
- SLW/SM/LDC SITE PLAN
- SLW/SM/LDC BLOCK PLAN – EXISTING
- SLW/SM/LDC ELEVATIONS
- SLW/SM/LDC PLANS

|                         | <b>Date</b> | <b>Officer</b>     |
|-------------------------|-------------|--------------------|
| <b>Report Completed</b> | 01.12.22    | Signed: C.Petrillo |
| <b>Authorisation</b>    | 02.12.22    | Signed: A. Truman  |

Report Author Chelsea Petrillo