

Application Number:	23/00437/CPL
Location:	167 Wardle Road, Wardle, Rochdale, OL12 9JA
Proposal:	Certificate of lawfulness for a proposed single rear extension, alteration of existing rear outrigger roof and addition of 1no. roof light
Applicant:	ALAN & KATE TARPEY
Case Officer:	Sam Yuen
Recommendation:	Refuse

CHECKED AND SIGNED OFF BY:

RK

DATE: 27/06/2023

Location

The application relates to no. 167 Wardle Road, a two-storey semi-detached dwelling located in Wardle. The dwelling is adjoined by no. 165 Wardle Road to the south, adjacent to no. 169 Wardle Road to the north and faces the highway to the east. The rear boundary of the curtilage borders open land.

Description of Proposal

Certificate of lawfulness is sought for a proposed single-storey rear extension which projects 2.7m from the rear elevation of the host dwelling. It is characterised by a lean-to roof form and has a ridge height of approx. 3.32m and a height to eaves of approx. 2.5m.

The roof of the existing rear outrigger would also be amended to match the proposed lean-to roof, alongside the addition of a roof light.

The proposals would be constructed from materials matching the host dwelling.

Is the proposal wholly within the curtilage of the dwellinghouse?	No
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Relevant History:

81/D12180 - Single storey extension to dwellinghouse - Grant subject to conditions

22/01092/HOUS - Two storey side and single storey rear extension including an additional window opening on existing rear elevation at first floor – Refuse

Officer's Comment:

- ❑ The proposed extension represents a disproportionate addition over and above the size of the original dwelling. The proposal therefore constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Additional harm has been identified in terms of the adverse impact on the openness of the Green Belt. No very special circumstances have been identified that would outweigh the harm, and the proposal therefore fails to accord with policy G4 of the adopted Rochdale Core

Strategy, the Council's 'Guidelines and Standards for Residential Development' SPD and the National Planning Policy Framework.

23/00054/HOUS - Part two, part single storey side extension including insertion of new window at first floor rear elevation. Resubmission of 22/01092/HOUS - Grant subject to conditions

Permitted Development Rights removed?	Cannot locate original permission.
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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).

Permitted development rights for householders – Technical Guidance (Sept 2019)

Assessment (Class A)

Part 1 of Schedule 2 of the GPDO establishes the permitted development rights within the curtilage of a dwellinghouse. In assessing this application, the eaves of the proposed rear extension would overhang the rear curtilage of the adjoining dwelling and thus the development would not comprise development within the curtilage of the host dwelling and does not therefore comprise permitted development.

Notwithstanding, Class A specifically allows for the enlargement, improvement or other alteration of a dwelling 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.

☒ 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

The host dwelling is a semi-detached property and therefore eligible for a 3m extension. The plans indicate a projection of 2.7m and a height of approx. 3.32m.

- (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**

Note – This application does not propose a larger home extension and paragraph (g) is therefore not applicable.

- (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**

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

- (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**

The height to eaves is 2.5m

- (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 not include a balcony or raised platform**
- ☐ **The plans do not include the alteration of a microwave antenna**
- ☐ **The plans do not include the alteration or installation of a soil and vent pipe**
- ☐ **The plans include the alteration to part of the existing outrigger roof of the dwellinghouse, however it is noted additions to the roof may fall under Class B of permitted development rights.**

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;

☒ **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**

Note: The proposed materials for construction would be similar in appearance to the exterior of the existing dwellinghouse and consists of a single storey extension.

Assessment (Class B)

Class B of Part 1 of the Schedule to the GPDO 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:

- (l) 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**

- (m) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

☒ **Complies**

☐ **Does Not Comply**

- (n) 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 front a highway;

☒ **Complies**

☐ **Does Not Comply**

- (o) 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;

☒ **Complies**

☐ **Does Not Comply**

Volume of original hipped roof of outrigger: 3.93m³

Volume of proposed lean-to roof:

Length: 3.32m

Height: 1.07m

Depth: 2.7m

Total Volume: $(3.32\text{m} \times 1.07\text{m} \times 2.7\text{m}) / 2 = 4.8\text{m}^3$

Additional Roof Volume: $4.8\text{m}^3 - 3.93\text{m}^3 = \underline{0.87\text{m}^3}$

(p) It would consist of or include –

- (i) The construction or provision of a veranda, balcony or raised platform, or
- (ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

☒ **Complies**

☐ **Does Not Comply**

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

☒ **Complies**

☐ **Does Not Comply**

Conditions (Class B)

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;

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

(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

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

- (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

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

Assessment (Class C)

Class C of Part 1 of Schedule 2 of the GPDO allows for any other alteration to the roof of the dwellinghouse subject to it not being contrary to any of the following criteria:

- (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 alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof

☒ **Complies**

☐ **Does Not Comply**

- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

☒ **Complies**

☐ **Does Not Comply**

(d) it would consist of or include-

- (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment

☒ **Complies**

☐ **Does Not Comply**

Conditions (Class C)

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be -

- (a) obscure-glazed; and
- (b) 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

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

Note: The proposed development does not comprise of any window to the roof slope forming a side elevation of the host dwelling.

Recommendation: Refuse

The proposal does not constitute permitted development by virtue of non-compliance with the requirements of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the plans indicate that the proposed rear extension would not be wholly within the curtilage of the host dwelling.

Notes for applicant:

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

- Location Plan
- Existing and Proposed Site Plan – Drawing No. 22.2886.22
- Existing Floor Plans and Elevations – Drawing No. 22.2886.20
- Proposed Ground Floor Plan and Elevations – Drawing No. 22.2886.21

	Date	Officer
Report Completed	22/06/2023	Signed: SY
Authorisation	23/06/2023	Signed: RK

Report Author Sam Yuen