

Application Number:	22/01600/CPE
Location:	142 Hollin Lane, Middleton, M24 5LB
Proposal:	Certificate of lawfulness for the existing use of hip to gable roof and rear dormer including insertion of second floor side window
Applicant:	Mr & Mrs Davies
Case Officer:	Bob Melling
Recommendation:	Refuse

Location

The application relates to no.142 Hollin Lane, a two storey, semi-detached property located in a residential area in Middleton. The dwelling faces south onto the highway, adjacent to no.140 Hollin Lane to the east and adjoining no.144 Hollin Lane to the west. The rear boundary of curtilage borders a parcel of Council-owned land, beyond which lies the rear gardens of nos.37 and 39 Kirkstall Road. The property benefits from off road parking sited to the front of the dwelling and a large rear garden.

Description of Proposal

The application seeks a certificate of lawfulness for the existing use of a hip to gable roof conversion and a rear dormer including insertion of second floor side window.

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

<u>99/D36461</u>	Single Storey Rear Extension To Dwelling. Decision: Grant subject to conditions.
<u>19/01178/HOUS</u>	Erection of single storey side and rear extension following demolition of kitchen/dining room extensions and detached garage. Decision: Grant subject to conditions.
<u>22/01236/HOUS</u>	Alterations to existing roof from hip to gable including new roof, rear dormer and installation of second floor side window - retrospective. Decision: Refuse.

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).

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

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:

- (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) 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**

- (c) 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**

- (d) 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**

Officer's calculations

Dormer Volume Calculation

Height (m)	2.23
Depth (m)	3.86
Length (m)	6.57
Total (m ³)	28.28

Hip to Gable Volume Calculation

Gable End Height (m)	2.78
Gable End Width (m)	8.81
Depth (m)	4.69
Total (m ³)	19.14

= 47.42m³

(e) 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**

(f) 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**

The existing roof comprises black/dark grey roof tiles and the dormer walls are constructed in black/dark grey, vertically laid, composite cladding. The new gable is constructed with brickwork to match existing. The new fenestration incorporates black/dark grey frames where the existing fenestration is white UPVC.

Overall it is considered that the materials used, whilst well-related to the colour of the roof tiles, have introduced a substantial, additional element to the material palette of the existing dwelling, specifically through the introduction composite cladding which is not of a similar appearance to the existing materials. This dissociates the dormer from the dwelling and it appears as a materially incongruous addition.

- (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**

There is a 0.4m gap from eaves to edge of the enlargement.

- (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**

In the ‘Design Statement’ submitted by the Agent and dated 12th December 2022, it is confirmed that the side window is obscurely glazed and the cill level is 1.7m above floor level.

Recommendation: Refuse

The proposal does not constitute permitted development by virtue of non-compliance with condition (a) of Class B, Part 1 of Schedule 2 of the Town and Country Planning

(General Permitted Development) (England) Order 2015 (as amended) as the materials used in the exterior work are not considered to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Notes for applicant:

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

- Pre-Existing Site & Location Plans. Drg no. 2168/P23B
- Existing Site & Location Plans. Drg no. 2168/P25
- Pre-Existing & Existing Elevations 01. Drg no. 2168/P20 D
- Pre-Existing & Existing Elevations 02. Drg no. 2168/P21 D
- Pre-Existing & Existing Plans. Drg no. 2168/P22 B
- Design Statement dated 12th December 2022

	Date	Officer
Report Completed	26/01/2023	Signed: BM
Authorisation	06/02/2023	Signed: RC

Report Author Bob Melling