

Application Number:	23/00249/CPL
Location:	59 Mountain Ash Rochdale OL12 7JD
Proposal:	Certificate of lawfulness for a proposed rear dormer
Applicant:	Mick Hernon
Case Officer:	Chelsea Petrillo
Recommendation:	Grant

Location

The application property is a two-storey end-terrace property located in the Spotland and Falinge ward of Rochdale. The property benefits from a single storey rear conservatory, off-road parking and sufficient front and rear garden space to which the rear curtilage borders an alleyway.

Description of Proposal

A certificate of lawful development is sought for a proposed rear dormer within the site curtilage (See dormer volume calculations below).

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

22/01303/HOUS PART TWO/PART SINGLE STOREY REAR EXTENSION FOLLOWING DEMOLITION OF EXISTING REAR CONSERVATORY TOGETHER WITH FRONT AND REAR DORMERS

Refuse 20.12.2022

1. By virtue of siting, scale and design, the proposed front and rear dormer would constitute an incongruous and disproportionate addition to the host dwelling, to the detriment of its character and amenity of surrounding neighbours. The proposed development therefore constitutes poor design, contrary to policies DM1 and P3 of the adopted Rochdale Core Strategy, the Council's adopted Supplementary Planning Document "Guidelines and Standards for Residential Development" and the National Planning Policy Framework.
2. By virtue of siting, scale and design, the proposed two-storey rear extension would compromise the amenity of No.23 Mountain Ash and would not comply with SPD space standards. This would result in an unacceptable loss of privacy on the adjacent neighbouring windows to the rear and will result in inadequate private rear garden space for the occupier of the host dwelling, due to the presence of the existing outbuilding. The application therefore fails to adhere to Policy DM1 of the Rochdale Core Strategy, the Council's 'Guidelines and Standards for Residential Development' SPD and the National Planning Policy Framework.

23/00243/HOUS TWO STOREY REAR EXTENSION FOLLOWING DEMOLITION OF EXISTING CONSERVATORY

Refuse 17.05.2023

1. By virtue of siting, scale and design, the proposed two-storey rear extension would compromise the amenity of No.23 Mountain Ash, resulting from a harmful loss of privacy, and would not comply with SPD space standards. The extension would also result in inadequate private rear garden space remaining for the occupiers of the host dwelling. The application therefore fails to adhere to Policy DM1 of the Rochdale Core Strategy, the Council's 'Guidelines and Standards for Residential Development' SPD and the National Planning Policy Framework.

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 (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**

Dormer Volume Calculation

Height (m)	2.4m
Depth (m)	3.9m
Length (m)	4.6m
Total (m³)	21.53m³

- (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**

- (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**

Recommendation: Grant

The proposal constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 1, Class B 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
- 22.2914.14 EXISTING AND PROPOSED BLOCK PLANS
- 22.2914.12 PROPOSED FLOOR PLANS
- 22.2914.13B REV C PROPOSED ELEVATIONS AND SECTION

	Date	Officer
Report Completed	06.07.2023	Signed: CPetrillo
Authorisation	07.07.2023	Signed: TH

Report Author Chelsea Petrillo