DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
20/01010/HH42	**Majid Mir**	**25 September 2020**

PUBLICITY	**Call up expired?**	N/A	**Site notice expired?**	N/A
	Neighbour letters expired?	Yes	**Press Notice expired?**	N/A

INTERESTS	**Officer dealing with planning matters / Councillor app?**	No	**More than 4 representations in opposition to the recommendation?**	NA
	Decision maker management interest in site?	No	**Called up?**	NA

HUMAN RIGHTS ACT	**Account has been taken of the Act's provisions.**
ENFORCEMENT?	**No**

RECOMMENDATION	**Refuse**

CHECKED AND SIGNED OFF BY: AT DATE: 25.09.2020

Prior Notification of a Proposed Larger Home Extension – Town and Country Planning (General Permitted Development) Order 2015 (as amended) Schedule 2, Part 1 (Class A.1).

Description of Proposed Development

The Host Dwelling is: Detached [ ] Other [x]

How far will the proposed extension extend beyond the rear wall of the original dwelling house measured externally: 4.2m

What will be the maximum height of the proposed extension measured externally from the natural ground level: 4.3m

Neighbours Notified:

25 Waterhouse Close, Wardle, OL12 9LL

29 Waterhouse Close, Wardle, OL12 9LL

Number of representations received: 1 neutral

Summary of comments:

- Concerned about damage to property, boundary or garden.
- Any damage should be rectified by the owners

Consideration of the following conditions listed in the GPDO 2015:

- permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)

  Yes [ ] No [x]
- 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).

  Yes [ ] No [x]
- 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;

  Yes [ ] No [x]
- 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;

  Yes [ ] No [x]
- The enlarged part of the dwellinghouse would extend beyond a wall which—
  (i) forms the principal elevation of the original dwellinghouse; or
  (ii) fronts a highway and forms a side elevation of the original dwellinghouse;

  Yes [ ] No [x]
- The enlarged part of the dwellinghouse would have a single storey and 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;

Yes [x] No [ ]

Note: height of the extension, including the roof lantern would equal a total height of approximately 4.3m.

- the enlarged part of the dwellinghouse would have more than one storey and—

  (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

  (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

  Yes [ ] No [x]

- 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:

  Yes [ ] No [x]

- The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would:

  i. Exceed 4 metres in height;

  ii. Have more than a single storey, or

  iii. Have a width greater than half the width of the original dwellinghouse

  Yes [ ] No [x]

- It would consist of or include-

  i) The construction or provision of a verandah, balcony or raised platform

  ii) The installation, alteration or replacement or microwave antenna

iii) The installation, alteration or replacement or a chimney, flue, soil and vent pipe

iv) An alteration to any part of the roof of a dwellinghouse

Yes [ ] No [x]

- Is the dwellinghouse on Article 2(3) land or on a Site of Special Scientific Interest?

  Yes [ ] No [x]

- A.3 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;

- The development has begun on site prior to -

  a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;

  b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or

  c) the expiry of 42 days following the date on which the information referred to in paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

  Yes [ ] No [x]

In addition to the above, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows for the enlargement, improvement or other alteration of a dwellinghouse. The submitted plans indicate that a portion of the roof of the proposed rear extension would extend outside of the curtilage of the dwellinghouse as shown below. It is unclear if the portion close to the boundary with no.29 would extend beyond the curtilage, however, the portion of the roof close to the boundary with no.25 does extended outside the curtilage. As such, the proposed extension cannot be considered to be permitted development under Class A of the GPDO.

Assessment

Paragraph (7) of Section 4 within The Town and Country Planning (General Permitted Development) (England) Order 2015 states “where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of adjoining premises”.

Paragraph (9) goes on to state that when considering the impact the LPA shall –

> “(a) take into account any representations made as a result of the notice given under subparagraph (5); and
> (b) Consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.”

In view of the above, the application has been considered as if it was a householder planning application and therefore in conjunction with the requirements of the National Planning Policy Framework, the Council’s Core Strategy and the Supplementary Planning Document ‘*Guidelines and Standards for Residential Development’*.

<u>Impact upon Neighbour amenity and living conditions</u>

- Protection of residential amenity is considered under Policy DM1 of the Council’s adopted Core Strategy, which requires that development should not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.
- Acceptable limits for residential extensions in respect of the above are outlined in the Council’s SPD ‘Guidelines and Standards for Residential Development’. The SPD states that the permitted projection limits for rear single storey extensions to attached dwellings should not project further than a point 3m along the common boundary measured from the rear elevation of the adjoining or adjacent dwelling.
- The 3m projection rule may be increased in instances where the proposed extension is set away from the boundary. The projection can be increased by the amount equal to the extra distance from the side boundary, providing the extension does not project beyond a 45 degree line measured from the point along the common boundary.
- In regards to no. 29 Waterhouse Close, the rear elevation of no. 29 is set further back from the applicant’s property. The proposed extension would project beyond the rear elevation of no. 29 by 1m. Additionally, it is noted that

the proposed extension will have a chamfered corner, which will project out from the rear elevation of no. 29. The proposed extension would not extend beyond the guidelines set out above and therefore is considered that it will not unduly impact on the amenity of no. 29.

- In regards to no. 25 Waterhouse Close, the projection of the proposed extension would exceed the guidance contained within the SPD by approximately 1.2m. It is noted that there is no chamfered corner as there is with on the opposite side of the proposed extension. The development would be considered to have an overbearing impact on no.25 and result in an unacceptable loss of light and outlook to the ground floor windows of no. 25 Waterhouse Close.

Decision: Refuse

1) The proposed development would not fall wholly within the curtilage of the dwellinghouse and as such would not constitute permitted development by reason of non-compliance with Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended).
2) The proposed development is not permitted by Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as the development would exceed 4m in height, contrary to paragraph (G) sections (ii) of the above order.
3) The extension, as a result of its projection beyond the rear elevation of 25 Waterhouse Close and proximity to the shared boundary, would result in an undue loss of light and outlook to the rear habitable room windows belonging to no.25 to the detriment of the amenity of the existing and future occupants. The proposal is therefore contrary to policy DM1 of the adopted Rochdale Core Strategy, the Council's 'Guidelines and Standards for Residential Development' Supplementary Planning Document and the National Planning Policy Framework.

Informative:

Plans

- Site location plan and block plan. Drawing number: DR-P - 1002 - 01
- Existing ground floor plan. Drawing number: DR-P - 1002 - 02
- Proposed ground floor plan. Drawing number: DR-P - 1002 - 03 - REV C
- Existing and proposed rear elevation. Drawing number: DR-P - 1002 - 04 REV C
- Proposed side elevations. Drawing number: DR-P - 1002 - 05 REV A

- Proposed section A-A. Drawing number: DR-P - 1002 - 06 REV A
- Proposed section B-B. Drawing number: DR-P - 1002 - 07 REV A
- Reflective ceiling plan & services. Drawing number: DR-P - 1002 - 08 REV B

Report Author Majid Mir