

Application Number:	23/01346/CPL
Location:	22 Stanney Close, Milnrow, Rochdale, OL16 4BF
Proposal:	Certificate of lawfulness for a single storey rear extension
Applicant:	Mr G Slicker
Case Officer:	Sam Yuen
Recommendation:	Grant

CHECKED AND SIGNED OFF BY: RK

DATE: 24/01/2024

Location

The application relates to no. 22 Stanney Close, a two-storey detached dwelling located in Milnrow. The dwelling is adjacent to no. 20 Stanney Close to the north-east, adjacent to no. 24 to the south-west, and faces the highway to the east. The rear boundary of the curtilage borders the rear curtilage of The Ashes, Buckley Hill Lane.

Description of Proposal

Certificate of lawfulness is sought for a single-storey rear extension which projects 3.94m from the rear elevation of the dwelling following the demolition of the existing rear conservatory. It is characterised by a flat roof form topped with a parapet wall and a roof lantern and has a ridge height of 3m.

As part of the proposal, the submitted plans also indicate the excavation of the rear garden of circa 0.3-0.4m and the addition of a 2.5m-high moveable flat roof awning.

Is the proposal wholly within the curtilage of the dwellinghouse?	Yes
--	-----

Relevant History:

N/A

Permitted Development Rights removed?	No
--	----

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)

Class A of Part 1 of Schedule 2 of the GPDO allows for the enlargement, improvement or other alteration of a 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 detached property and therefore eligible for a 4m extension. The plans indicate a projection of 3.94m.

(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 3m.

(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 do not include the alteration to any part of the roof of the dwellinghouse**

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 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.

- (l) 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**

- (m) 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**

- (n) 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**

- (o) the building would have more than a single storey.

☒ **Complies**

☐ **Does Not Comply**

- (p) the height of the building, enclosure or container would exceed—
- a. 4 metres in the case of a building with a dual-pitched roof,
 - b. 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
 - c. 3 metres in any other case.

☒ **Complies**

☐ **Does Not Comply**

Note: The proposed outbuilding would be sited within 2m of the curtilage boundary and comprises a height of 2.5m.

(q) the height of the eaves of the building would exceed 2.5 metres;

☒ **Complies**

☐ **Does Not Comply**

(r) the building, enclosure, pool or container would be situated within the curtilage of a listed building

☒ **Complies**

☐ **Does Not Comply**

(s) it would include the construction or provision of a verandah, balcony or raised platform

☒ **Complies**

☐ **Does Not Comply**

(t) it relates to a dwelling or a microwave antenna.

☒ **Complies**

☐ **Does Not Comply**

(u) 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

Other Considerations

The proposal includes the partial excavation of the rear garden of circa 0.3-0.4m over a floor area of 36.7m². The level of earth to be removed would comprise a maximum 14.68m³, which would not be of a scale that could be characterised as a separate activity falling within the remit of an engineering operation on its own merits. The applicant has also confirmed the proposed works would be undertaken by themselves and the proposed boundaries would not require any engineering specifications. Having regard to the appeal decision at 18 View Road, Rochester, ME3 8UA (ref: APP/A2280/D/18/3201375), the Council is satisfied that the proposed works would be ancillary to the construction of the proposed rear extension and would not be considered an independent engineering operation requiring planning permission. As such, for the purposes of this assessment, the proposed works would be permitted under Schedule 2, Part 1 Class A and Part 2, Class A of the GDPO.

Recommendation: Grant

The proposal constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 1, Class A and 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 – received 12/12/2023
- Existing Site Plan – Drawing No. 1001 Rev. A dated 20/12/2023
- Proposed Site Plan – Drawing No. 1004 Rev. A dated 20/12/2023
- Existing Floor Plans – Drawing No. 1002 Rev. A dated 20/12/2023
- Existing Elevations – Drawing No. 1003 dated 07/12/2023
- Proposed Floor Plans – Drawing No. 1005 Rev. A dated 20/12/2023
- Proposed Elevations – Drawing No. 1006 dated 07/12/2023

	Date	Officer
Report Completed	15/01/2024	Signed: SY
Authorisation	24/01/2024	Signed: RK

