

Officer Report

Case Reference: PL/2026/0078
Location: 13 CHARLOTTE STREET, ROCHDALE, OL16 4TJ
Proposal: Application for a certificate of lawfulness for a Change of use to 6 Bed HMO
Recommendation: Permitted Development
Officer: Bob Melling

SITE

The application relates to no. 13 Charlotte Street, a two-storey terraced property located in a predominantly residential area of Rochdale.

PROPOSAL

Application for a certificate of lawfulness for the change of use from a dwellinghouse (C3) into a 6 bedroom HMO (C4). The proposals also include a rear dormer and front elevation rooflights.

HISTORY

N/A

RELEVANT PLANNING POLICY

The Town and Country Planning Act (1990)

S.55 - Meaning of “development” and “new development”

S.192 - Certificate of lawfulness of proposed use or development

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (“the UCO Amendment Regulations”)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

REPRESENTATIONS

In accordance with the Council’s Code of Publicity for Planning Applications, no publicity was undertaken for this application.

However, an objection was submitted by a member of the public, citing concerns such as an overconcentration of HMOs on the street and the lack of on-street parking. The objector also

asked for the application to be determined by the Planning Committee. While the comments received have been carefully considered, the determination of a Certificate of Lawfulness is a legal test of fact and law only, and matters of planning judgement are not material. The application is also fully delegated under the Council's scheme of delegation and therefore cannot be called in to Planning Committee.

ANALYSIS

S.55(1&1A) of the Town and Country Planning Act 1990 (the Act) sets out the meaning of development as:

“Development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

For the purposes of this Act “ building operations ” includes—

- a) demolition of buildings;*
- b) rebuilding;*
- c) structural alterations of or additions to buildings; and*
- d) other operations normally undertaken by a person carrying on business as a builder.*

S.55(2) goes on to set out a number of operations or uses of land which are not taken for the purposes of the Act to involve development. This includes:

the carrying out for the maintenance, improvement or other alteration of any building of works which—

- (i) affect only the interior of the building, or,*
- (ii) do not materially affect the external appearance of the building,*

The proposed changes to the internal layout are not considered development.

The Town and Country Planning (Use Classes) Order 1987 schedule Part C Class C3 sets out the use of a dwellinghouse:

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) —

- (a) by a single person or by people living together as a family, or*
- (b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).*

Class C4. Houses in multiple Occupation

Use of a dwellinghouse by not more than six residents as a HMO

The proposal would convert the dwellinghouse (C3) into a 6-bedroom HMO. This this would fall under the parameters of Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is not considered that the proposal would result in a material change.

Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015

L. Development consisting of a change of use of a building—

(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;

(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

This proposal is a permitted change of use under permitted development as long as the works are carried out in accordance with the description of development and plans.

EXTERNAL ALTERATIONS

The plans indicate the erection of a rear dormer and roof lights to the front elevation.

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

(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

(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

(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

Dormer Volume = 23.61 cubic metres

(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

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

COMPLIES

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

(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

(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

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

(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

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

COMPLIES

(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

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

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

DECISION: PERMITTED DEVELOPMENT

Reason: The development described comprises permitted development as it falls within the parameters of Schedule 2, Part 1 Classes B and C, and Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Recommendation: Permitted Development

Approval Reason(s) (1)

- 1 The development described comprises permitted development as it falls within the parameters of Schedule 2, Part 1 Classes B and C, and Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Informatives (1)

In the avoidance of doubt, this certificate relates to the following set of plans:

- 1
 - Location Plan. Dated 28 January 2026
 - Existing Plans. Dwg no. 2025/0304/LD1
 - Proposed Plans. Dwg no. 2025/0304/LD2
 - Proposed Elevations. Dwg no. 2025/0304/004A
 - HMO Room Size Analysis - Single Bedroom size 6-10. Dated 28 May 2025
 - Supporting Statement for Lawful Development Certificate (Proposed Use). [27 January 2026