

Officer Report

Case Reference: PL/2026/0331
Location: 82 KNIGHT CRESCENT, MIDDLETON, MANCHESTER, M24 5JX
Proposal: Application for a certificate of lawfulness for a proposed single storey rear extension
Recommendation: Refuse
Officer: Luke Rigby

Site

The application site consists of a two-storey semi-detached residential dwelling sited to the east of Knight Crescent in a predominantly residential area of Middleton.

Description of Proposed Development

The application seeks to ascertain whether the proposed extension would be lawful under Class A to Schedule 2 of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Neighbours notified: None

Number of representations received: None

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

(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

(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

(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

(e) 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;

Complies

(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 – the enlarged part of the dwellinghouse is single storey, projecting 2.925m from the rear elevation with a height less than 4m.

(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.

Not Applicable – Prior Approval not sought

(h) The enlarged part of the dwellinghouse would have more than a single 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.

Not applicable – the enlarged part of the dwelling is single storey.

(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

(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse

(i) exceed 4 metres in height;

(ii) have more than a single storey

(iii) have a width greater than half the width of the original dwellinghouse

Does Not Comply – the original dwelling as constructed consisted of a two-storey dwelling and a single storey garage to this dwelling (as far as practically can be ascertained). This dwelling comprised two side elevations, the side elevation of the single storey garage, and the side extension at first floor of the main dwelling. The dwelling was subsequently granted permission in 2021 for the construction of a first-floor extension which built out from this side elevation. The precondition of A.1(j) notes that the enlarged part may not extend "beyond a wall forming a side elevation of the original dwellinghouse". Case Law (Arnold v Secretary of State for Communities and Local Government [2015]) makes clear that the provisions of the GPDO can be read as stated with no inference needed. The same case makes clear that a side elevation does not cease, for the purposes of the GPDO, to be a side elevation of the original dwelling if it is no longer external. The proposed extension would extend along the entire rear elevation of the dwelling, thereby extending past a side elevation of the original dwelling. The proposal therefore fails A.1(j).

In respect of the conditions of (j). The proposal would comply with (j)(i) and (j)(ii) having a height less than 4m and would be single storey. The proposal would, however, extend the full width of the existing dwelling (being the original main building when taken together with the original single storey garage) and would therefore have a width in excess of 50% of the width of the original dwelling and therefore fails (j)(iii).

(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);

Does Not Comply – the proposed extension physically joins an existing non-original extension (21/01520/HOUS) and must be taken together with this addition as the total enlargement. Appeal APP/W2465/D/25/3373596 clarifies that any interaction between the two structures must be taken as being "physically joined" and therefore taken together for the purposes of (ja). The proposed extension would extend along the rear of this extension and would

interact by virtue of the roof spanning the rear of this addition. The total enlargement therefore exceeds the following limits:

A.1(i) – total enlargement within 2m of the boundary and exceeds 3m in height by virtue of the 2021 first floor addition.

A.1(j)(i) – the total enlargement exceeds 4m in height by virtue of the 2021 addition

A.1(j)(ii) – the total enlargement extends beyond a side elevation of the original dwelling and has more than a single storey

A.1(j)(iii) – the total enlargement extends beyond a wall forming an original side elevation of the dwelling and has a width in excess of half the width of the original dwelling.

(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

(A.2) In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse;
or

(ca) 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

(b) and (c)

Not applicable – dwelling is not sited on Article 2(3) land.

Conditions

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 - submitted plans and application form indicate that this is to be the case.

(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

(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.

Not Applicable – the enlarged part of the dwelling (not including for the purposes of (ja)) would have a single storey

RECOMMENDATION: REFUSE

Recommendation: Refuse

Refusal(s) (1)

- 1 The proposed development fails to comply with the requirements of Class A to Schedule 2 of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and is therefore not lawful. Specifically, the proposed development would extend beyond a side elevation of the original dwellinghouse and would have a width in excess of half the width of the original dwellinghouse, thereby failing A.1(j)(iii) and

exceeds the limits set out in A.1(ja) when taken together with any prior enlargement to which it is adjoining.

1 For the avoidance of doubt this decision relates to the following plans:

- DWG No. CM380 PL 03 (Site Location Plan)
- DWG No. CM380 PL 01a (Proposed Floor Plans)
- DWG No. CM380 PL 02a (Proposed Elevations)