

## Officer Report

**Case Reference:** PL/2026/0611  
**Location:** 21 RHOS AVENUE, MIDDLETON, MANCHESTER, M24 1EG  
**Proposal:** Certificate of Lawfulness application for a proposed hip-to-gable roof alteration, the construction of a rear dormer extension, together with associated structural and internal works.  
**Recommendation:** Refuse  
**Officer:** Luke Rigby

### SITE

The application site consists of a two-storey semi-detached residential dwelling located to the north of Rhos Avenue in a predominantly residential area of Middleton.

As far as can practically be ascertained, Permitted Development rights are intact for this dwelling. The dwelling is not on article 2(3) land and not within an Article 4 Directive.

### PROPOSAL

The application seeks to ascertain whether the proposed hip-to-gable loft conversion and construction of dormer window would be lawful under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

### NEIGHBOURS NOTIFIED

In accordance with the Council's adopted Code of Practice for this type of applications, no notification or publicity was issued.

### ASSESSMENT

Class B - additions etc to the roof of a dwellinghouse

#### Permitted Development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

#### Development not permitted

**B.1** Development is not permitted by Class B if—

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

### **Complies**

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**

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 fronts a highway

### **Complies**

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 – dormer of approximately 25.01 cubic metres, hip-to-gable of approximately 20.32 cubic metres for a total of 45.33 cubic metres approximately.**

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

**Complies – the dormer would include a Juliet Balcony. This is not prohibited by B.1(e) and the Government's Technical Guidance for Home Owners notes that Juliet Balconies fall to be lawful under the provisions of the GPDO.**

f) the dwellinghouse is on article 2(3) land

**Complies - the dwellinghouse is not on article 2(3) land**

g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

### **Complies**

h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys)

### **Complies**

### **Conditions**

B.2) Development is permitted by Class B subject to the following conditions—

a) the materials used in any exterior work must be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse

**Does Not Comply – proposed elevations indicate the materials used to the face and cheeks of the dormer would be timber. The existing roof has dark, concrete roof tiles.**

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 practical, not less than 0.2m from the eaves, measured along the roof slope from the outside edge of the eaves; and

**Does Not Comply – whilst the hip-to-gable is exempt from this criterion, the dormer still falls to be considered. The proposed rear elevation indicates that the dormer would extend to the eaves both to the side and the rear and therefore does not maintain 0.2m.**

ii) other than in the case of an enlargement which joins the original roof to the roof 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 into 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 1.7m above the floor of the room in which the window is installed

**Complies - no windows to be inserted into any side elevation**

### Class C - other alterations to the roof of a dwellinghouse

#### **Permitted Development**

C. Any other alteration to the roof of a dwellinghouse.

#### **Development not permitted**

**C.1** Development is not permitted by Class C if—

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

**Insufficient information has been provided in the form of window specifications, annotations, or section elevations for the Local Planning Authority to assess compliance with C.1(b).**

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

## **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**

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

## **Complies**

### **Conditions**

C.2 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 must 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 – rooflights to front elevation of the dwelling only.**

**Recommendation:** Refuse

### **Refusal(s) (2)**

- 1 The proposed development fails to comply with the requirements of Class B 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 dormer window would be constructed of materials

which do not match those used on the existing dwelling and would be within 0.2m to the eaves, thereby failing B.2(a) and B.2(b)(i)(bb).

- 2 Insufficient information has been provided in the form of section elevations and/or specifications for the Local Planning Authority to assess whether the proposed rooflights comply with C.1(b) of Class C to Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 1 For the avoidance of doubt this decision relates to the following plans/documents
  - Application Form
  - DWG No. MC-156-02 Rev C1 (Proposed Loft Floor Plans)
  - DWG No. MC-156-03 Rev C1 (Existing and Proposed Elevations)
  - DWG No. MC-156-01 Rev C1 (Proposed Floor Plans)