

DELEGATED REPORT

Report by Sam Summers	Date of report: 30/04/2025	Ref: 71521/LDCP
Registration: 15/01/2025	LDfC:	Expiry Date: 12/03/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for proposed loft conversion with hip to gable roof extension solar panels at front and rooflights at rear

Location: 240 Bolton Road, Bury, BL8 2PA

Description

Lawful development certificate for proposed loft conversion with hip to gable roof extension solar panels at front and rooflights at rear

Relevant Planning History

None

Publicity

No letters sent, 1 comment received: work being carried out, conversion into 9 bed hmo

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

Development Plan and Policies

Issues and Analysis

Hip to Gable

There have been no extensions to the main roof of this dwellinghouse. As such there is a full volume allowance of 50m³.

The dwelling is not listed nor is it in a Conservation Area.

There is no enforcement and the proposed development would be on land wholly owned or controlled by the applicant.

Permitted Development rights have not been removed.

There have been no previous roof extensions and development would not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

The proposed roof extensions would not be higher than the highest part of the original roof.

The volume of the proposed roof extension from a hip to a gable would be in total 14.48 m³

(cubic metres).

There are no side windows proposed in the gable end of the extended hip

Rooflights

The rooflights would not protrude more than 150mm from the plane of the roof

Solar Panels

The solar panels would not protrude more than 200mm from the plane of the roof

The panels would not be higher than the highest part of the roof

The site is not in a conservation area, is not listed or a scheduled monument

The solar panels are sited near the top edge of the roof to minimise their impact, they are in a standard position for a domestic property and will not have a significant impact on the neighbouring properties or the amenity of the area

Whilst the proposed plans show a layout similar to an HMO the dwellinghouse has not yet been occupied as such and thus its lawful use remains that of a dwellinghouse and as such it retains its permitted development rights. Also worth noting is the high court judgement London Borough of Brent v Secretary of State for Levelling Up, Housing and Communities & Anor [2022] EWHC 2051 (Admin). This judgement confirms that the meaning of a 'dwellinghouse' is wider than Use Class C3. It includes Use Class C4 and may also include large HMOs and other uses provided they meet the Gravesham test. A such even if the conversion to an HMO had taken place the property would retain its permitted development rights and would therefore be lawful

Having regard to the above the proposal would be lawful as it falls within the limitations of Part 1 Class B & C and Part 14 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Response to neighbours: The building works which have been commenced are part of this application, any change of use to a 9 bed HMO would require planning permission, the applicant has been made aware of this.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposal, described in the First Schedule, is deemed to be 'Permitted Development' having regard to Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 in that it falls within the limitations Part 1 Classes B and C & Part 14 Class A.
- 2 The materials used in any exterior work shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse as required by condition B.2(a) of The Town and Country Planning (General Permitted Development) (England) Order 2015.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SS	30/04/2025	DM 02/05/25	