

DELEGATED REPORT

Report by Mark Kilby	Date of report: 15/03/2023	Ref: 69230/LDCP
Registration: 10/01/2023	LDFC:	Expiry Date: 07/03/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for proposed single storey side and rear extensions to an existing terraced house to create enlarged kitchen/dining area.

Location: 16 Whelan Close, Bury, BL9 9QH

Description

An application for a lawful development certificate for a proposed single storey side and rear extension to an end of terrace two storey brick and tile dwellinghouses.

Relevant Planning History

Original planning applications. Permitted development rights not removed.

Publicity

Not applicable.

Statutory/Non-Statutory Consultations

Not applicable.

Pre-start Conditions - Not applicable.

Unitary Development Plan and Policies

Issues and Analysis

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.

The proposal would not take up more than 50% of the area of the curtilage, not including the area of the dwelling.

The side extension would not be wider than half the width of the original dwelling.

The rear extension would not extend beyond the original rear wall of the dwelling by more than three metres.

The proposed development would not extend beyond a wall which forms the principal or a side elevation of the original dwelling and fronts a highway.

The overall height of the proposal would not exceed four metres and the height to the eaves would not exceed three metres.

The proposed extension would be of a wrap-a-round design which according to the Ministry of Housing, Communities & Local Government - Permitted Development Rights for householders - Technical Guidance, published in September 2019 would not be Permitted Development. The Council takes the opposite view to this guidance insofar as if the original side wall of the dwellinghouse is not extended by more than half the width of the original dwelling (in the case of a flat side and rear elevation) it would be permitted development. In a Lawful Development appeal - APP/L3625/X/09/2102574 an Inspector granted a Lawful Development Certificate for a single storey side and rear wrap-a-round extension. The Inspector said "The main principle to be considered is that the enlargement, improvement or other alteration of a dwellinghouse is permitted development subject to the limitations imposed at A1 (a) – (i). In this case the element of the proposed extension that wraps round the rear corner of the original dwelling does not breach those limitations and is not otherwise explicitly excluded. The other parts of the proposed extension fall within those limitations as indicated above. It can thus be regarded as an enlargement which is permitted development and the appeal must succeed".

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

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposal as described in the First Schedule, is deemed to be 'Permitted Development' having regard Article 3, Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 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 A.3(a) of Article 3 Schedule 2 Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.

<u>Case Officer</u> MK 15/3/23	<u>Date</u>	<u>Sign off Officer</u> DM 15/3/23	<u>Date</u>
-----------------------------------	-------------	---------------------------------------	-------------