


**Report to be read in conjunction with the Decision Notice.**

<b>Signed:</b>	<b>Officer:</b>	<b>LW</b>	<b>Date:</b>	<b>06/08/25</b>	<b>Manager:</b>	<b>KH</b>	<b>Date:</b>	<b>06/08/25</b>
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<b>Application Ref:</b>	3/2025/0481			 <b>Ribble Valley Borough Council</b> <small>www.ribblevalley.gov.uk</small>
<b>Date Inspected:</b>	N/A	<b>Site Notice:</b>	N/A	
<b>Officer:</b>	LW			
<b>DELEGATED ITEM FILE REPORT:</b>				<b>APPROVAL</b>

<b>Development Description:</b>	Certificate of Lawfulness for a proposed single storey rear extension including external flue, and insertion of rooflights.
<b>Site Address/Location:</b>	29 Somerset Avenue, Wilpshire, BB1 9JD.

<b>CONSULTATIONS:</b>	<b>Parish/Town Council</b>
N/A	

<b>CONSULTATIONS:</b>	<b>Highways/Water Authority/Other Bodies</b>
<b>LCC Highways:</b>	N/A

<b>CONSULTATIONS:</b>	<b>Additional Representations.</b>
N/A	

**RELEVANT POLICIES AND SITE PLANNING HISTORY:**

Schedule 2 Part 1 Class A, Class C and Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**Relevant Planning History:**

No planning history.

**ASSESSMENT OF PROPOSED DEVELOPMENT:**

**Site Description and Surrounding Area:**

The application relates to a semi-detached two-storey residential property at no.29 Somerset Avenue, located within the defined settlement area of Wilpshire. The property benefits from an existing single storey rear outrigger which is understood to form part of the original built form of the dwellinghouse.

**Proposed Development for which consent is sought:**

Consent is sought for a Certificate of Lawfulness for the construction of a proposed single storey rear extension projecting 2.9m from the rear elevation of the existing dwellinghouse with an eaves and ridge height of 2.7m and 4m respectively. As part of the extension, an external flue would also be incorporated with a maximum height of 5m measured from ground level.

As part of the proposal, 2no. rooflights would also be incorporated to the rear roof slope of the main dwellinghouse.

**Other Matters:**

Assessment of the proposal in relation to the provision of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In order to be permitted development, the proposed development needs to satisfy a number of criteria as comprised in Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the enlargement, improvement, or other alteration of a dwellinghouse.

A.1 Development is not permitted by Class A 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 (change of use);

**Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3.**

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 curtilage (excluding the ground area of the original dwellinghouse);

**The total area of ground covered by buildings would not exceed 50% of the total area of the curtilage of the dwellinghouse.**

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;

**The height of the proposed extension would not exceed the height of the existing dwellinghouse.**

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;

**The eaves height of the proposed extension would not exceed the eaves height of the existing dwellinghouse,**

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;

**The proposed extension would not extend beyond a wall which forms the principal elevation or fronts a highway and forms a side elevation of the dwellinghouse.**

f) subject to paragraph (g), 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 4m in the case of a detached dwellinghouse, or 3m in the case of any other dwellinghouse, or
- (ii) Exceed 4m in height;

**The proposed extension would not extend more than 3m from the rear wall of the dwellinghouse and would not exceed 4m in height. It is noted that the proposal would include an external flue with a maximum height of 5m – however, this forms a separate assessment under Class G.**

g) for a dwellinghouse not on article 2(3) land nor on 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 8m in the case of a detached dwellinghouse, or 6m in the case of any other dwellinghouse, or
- (ii) Exceed 4m in height

**The dwellinghouse is not on article 2(3) land nor on a site of special scientific interest and the proposal would not involve a larger home extension.**

h) the enlarged part of the dwellinghouse would have more than a single storey and –

- (i) Extend beyond the rear wall of the original property by more than 3m, or
- (ii) Be within 7m of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

**The proposed extension would not have more than a single storey.**

i) the enlarged part of the dwellinghouse would be within 2m of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3m;

**The proposed extension would not be within 2m of the boundary of the curtilage**

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

- (i) Exceed 4m in height,
- (ii) Have more than a single storey, or
- (iii) Have a width greater than half the width of the original dwellinghouse;

**The proposed development would not extend beyond a wall forming a side elevation of the original dwellinghouse.**

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 subparagraph e) to j);

**N/A**

k) it would consist of or include –

- (i) The construction or provision of a verandah, balcony, or raised platform;
- (ii) The installation, alterations, 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; or

**The proposed development would include none of the above.**

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

**The dwellinghouse is not built under Part 20 of this schedule.**

A.3 Development is not permitted by Class A subject to the following considerations –

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

**The proposed extension would be finished in brickwork and slate roof tiles to match the existing dwellinghouse.**

b) any upper-floor windows 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 1.7m above the floor of the room in which the window is installed; and

**No first-floor windows in a wall or roof slope forming a side elevation are proposed.**

c) where the enlarged part of the dwellinghouse has more than a single storey or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as reasonably practicable, be the same as the roof pitch of the original dwellinghouse.

**The proposed extension would not have more than a single storey.**

Assessment of the proposal in relation to the provision of Schedule 2 Part 1 Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In order to be permitted development, the proposed development needs to satisfy a number of criteria as comprised in Schedule 2 Part 1 Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for other alterations to the roof of a dwellinghouse.

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);

**Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3.**

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;

**The proposed rooflights would not protrude more than 0.15m beyond the plane of the roof slope.**

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

**The proposal would not be higher than the highest part of the original roof.**

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; or

**The proposal would include none of the above.**

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

**The dwellinghouse is not built under Part 20 of this schedule.**

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.

**No windows located on roof slope forming a side elevation are proposed.**

Assessment of the proposal in relation to the provision of Schedule 2 Part 1 Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In order to be permitted development, the proposed development needs to satisfy a number of criteria as comprised in Schedule 2 Part 1 Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for chimneys, flues etc on a dwellinghouse.

G.1 Development is not permitted by Class G 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 (change of use);

**Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3.**

- b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more

**The proposed flue would not exceed the highest part of the roof by more than 1m.**

- c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which –

- (i) Front a highway, and
- (ii) Forms either a principal elevation or a side elevation of the dwellinghouse; or

**The proposal would not be installed on a wall or roof slope which fronts a highway and forms either a principal elevation or side elevation.**

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

**The dwellinghouse is not built under Part 20 of this schedule.**

**Observations/Consideration of Matters Raised/Conclusion:**

The proposed development constitutes permitted development under Schedule 2 Part 1 Class A, Class C and Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to the conditions outlined in A.3 and C.2 of this Part.

**RECOMMENDATION:**

That the Certificate of Lawfulness be granted.