

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132851/LP/2022

Date registered valid: 7 February 2022

Proposal: Certificate of Proposed Lawful Development for the erection of a single storey rear extension to provide additional living accommodation

Address: 109 Newport Road, Manchester, M21 9NW

Ward(s): Chorlton Ward

Applicant: Ms Charlotte Norwood, 109 Newport Road, Manchester, M21 9NW

Agent (if any): Mr Rick Clarke, House Architecture Group Limited, 60 Ernocroft Road, Stockport, SK6 5DY

Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Refused

Date of recommendation: 4th April 2022

Application details

Type of application:	Certificate Lawful Development Proposed
Development type:	Certificates of lawfulness
Date of site visit:	Not required
Standard consultations:	No consultations have been printed and sent.
Neighbour notifications	No neighbour notifications have been printed and sent.
Site notice	No site notice has been produced
Press advert	No press advert had been published
Departure from Development Plan:	No
Environmental Statement:	Not required

Description of site/building

The application site relates to a two storey semi-detached dwelling house

Listed building:	Not applicable
Conservation area:	Not applicable
Tree Preservation Order:	Not applicable

Description of area

The area is predominantly residential in nature, with a mixture of different housing types and ages

Description of development

Certificate of Proposed Lawful Development for the erection of a single storey rear extension to provide additional living accommodation

Consultations & Notification Responses

Not required

Issues

The certificate of lawful development that has been applied for has been done so because the applicant wishes to gain confirmation that a proposed rear extension at the house constitutes permitted development. The proposal therefore needs to be assessed with regards to the Town and Country Planning (General Permitted Development) (England) Order 2015. This sets out the rules concerning what extensions, improvements and alterations a householder may make to their house and the area around it without the need for an application for planning permission. Such works are known as 'permitted development'.

The proposed single storey rear extension projects no more than 3 metres to the rear, with a maximum height to the top of 3.2m. The drawings imply it would be built of materials to match existing and would not occupy over 50% of the original curtilage of the property.

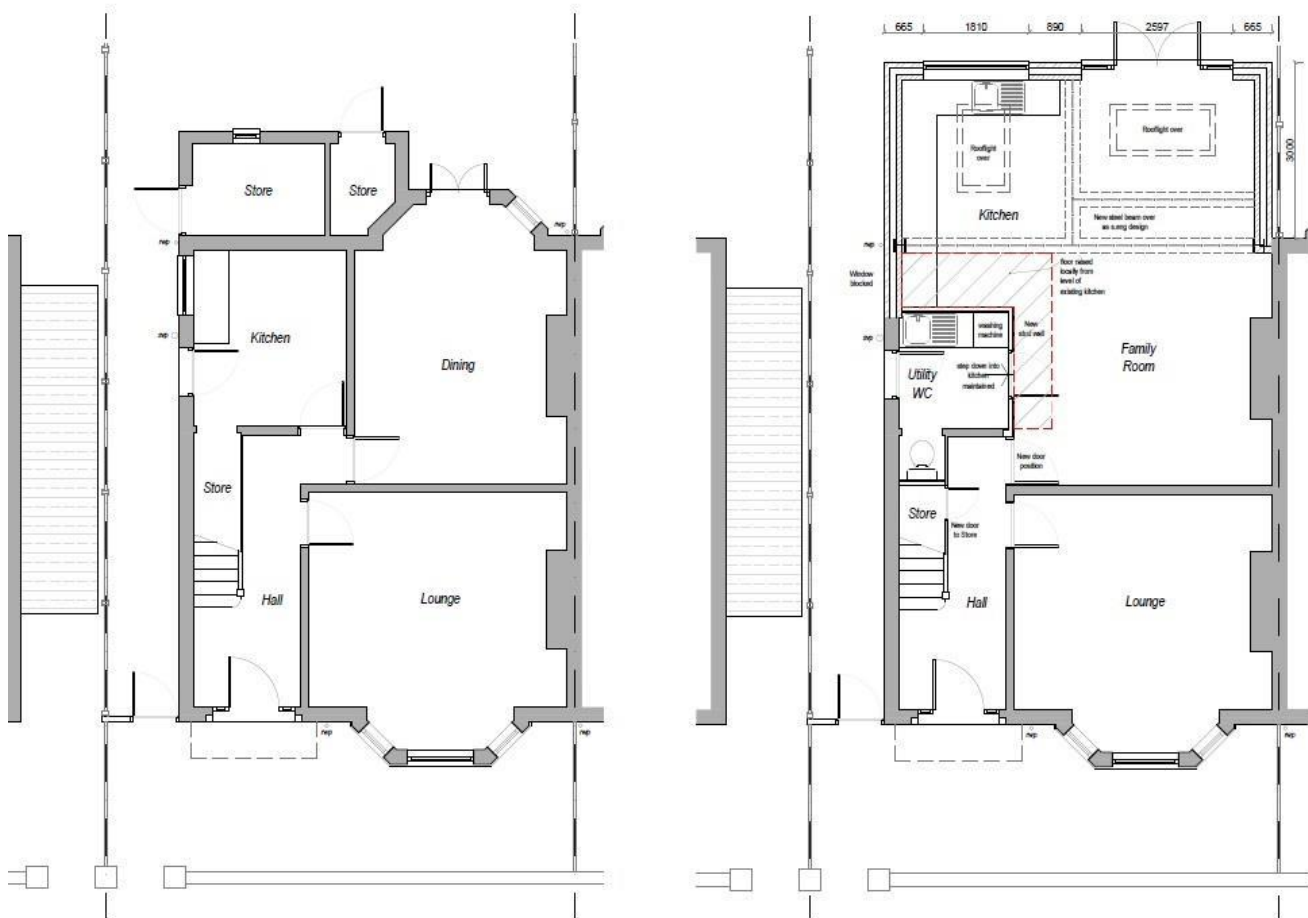
Part 1 Class A of schedule 2 of the General Permitted Development Order sets out consideration of the proposals set out in this application.

Paragraph A.1 (j) states that development is not permitted where the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

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

As such the proposal extends beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse and is therefore not permitted development.

As the original property indicated the position of a rear outrigger and side wall, the proposal would extend beyond a wall forming a side elevation to the original dwelling and therefore would be more than half the width of the original property. The image below taken from a previous application 130482/LP/2021, shows the rear outrigger intact. The proposal does not accord with Schedule 2, Part 1, Class A: A.1(j)(iii) of the General Permitted Development Order (2015) (as amended) and is therefore not deemed permitted development



Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights

posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) Refuse Part A on the basis that the proposed single storey rear extension as shown on drawings AL1 Rev A and AV1 Rev C stamped as received by the City Council as Local Planning Authority, on the 07.02.2022 does not constitute permitted development and is not in accordance with Part 1, Schedule 2, Class A.1 (i), A.1(j) (iii) of the Town and Country (General Permitted Development) Order 2015 (as amended).

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: SOUTH