

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133425/LP/2022

Date registered valid: 4 April 2022

Proposal: Certificate of lawful proposed development for the erection of a single storey extension following demolition of existing rear extension to form additional living accommodation

Address: 5 Brayford Road, Manchester, M22 0NS

Ward(s): Woodhouse Park Ward

Applicant: Steven Wright, 5 Brayford Road, Manchester, M22 0NS

Agent (if any): Mr Ryan Forber, Plans 2 Extend, The Print Centre, Johnson Street, Atherton, M46 0RB

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: REFUSE

Date of recommendation: 09 May 2022

Application details

Type of application: Certificate Lawful Developmnt Proposed

Development type: Certificates of lawfulness

Date of site visit: None undertaken for this type of application

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

Listed building: Not applicable

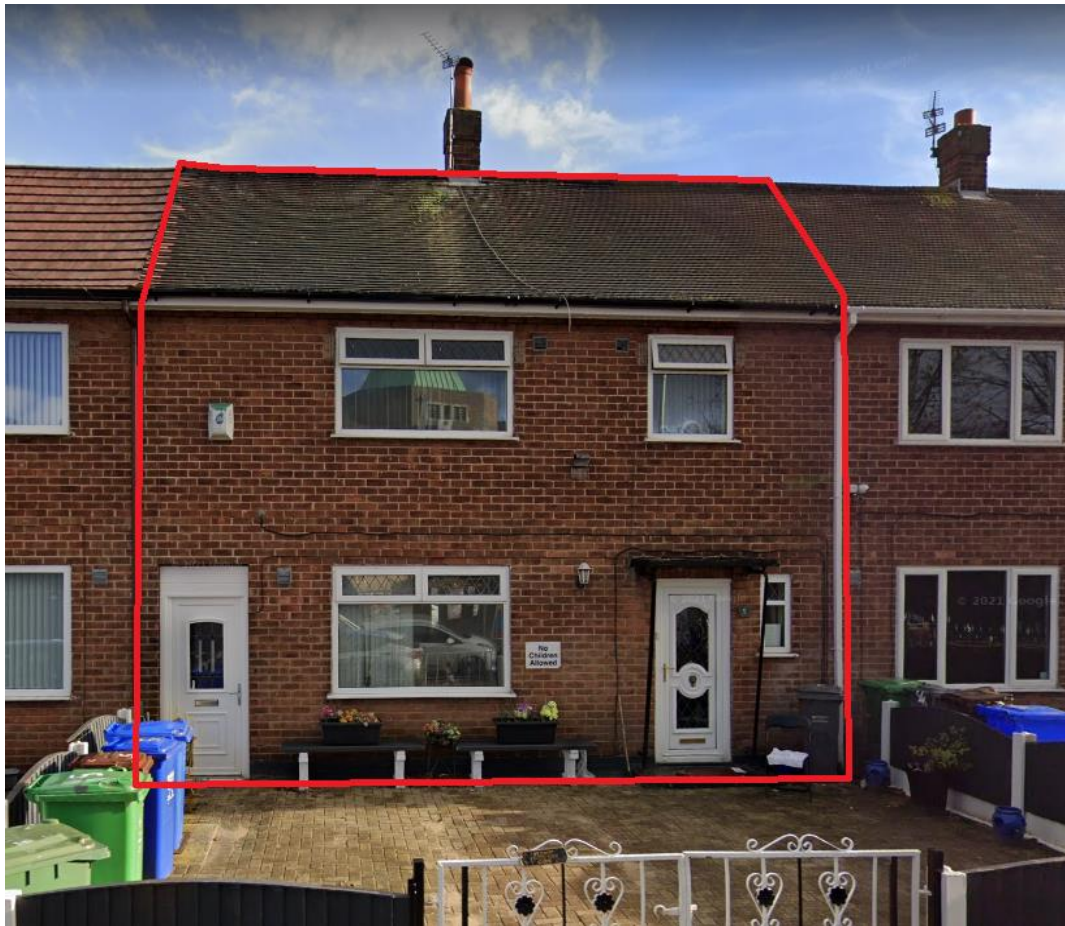
Conservation area: NA

Tree Preservation Order: NA

Description of area

The area is one predominantly characterised by pre and post second world war residential dwellings. There are a number of institutional buildings in the vicinity of this property in the form of St Anthony's Church (Grade II Listed) to the west and St Anthony's Primary School to the south.

The application property is a two-storey red brick residential dwelling house arranged in a terrace with three other similar properties. The property benefits from private amenity space in the form of hardstanding to the front together with rear garden. A single storey flat roof outrigger is located on the rear of the property and as set out below this outrigger is considered an original feature of the property based upon available evidence.



5 Bayford Road

Description of development

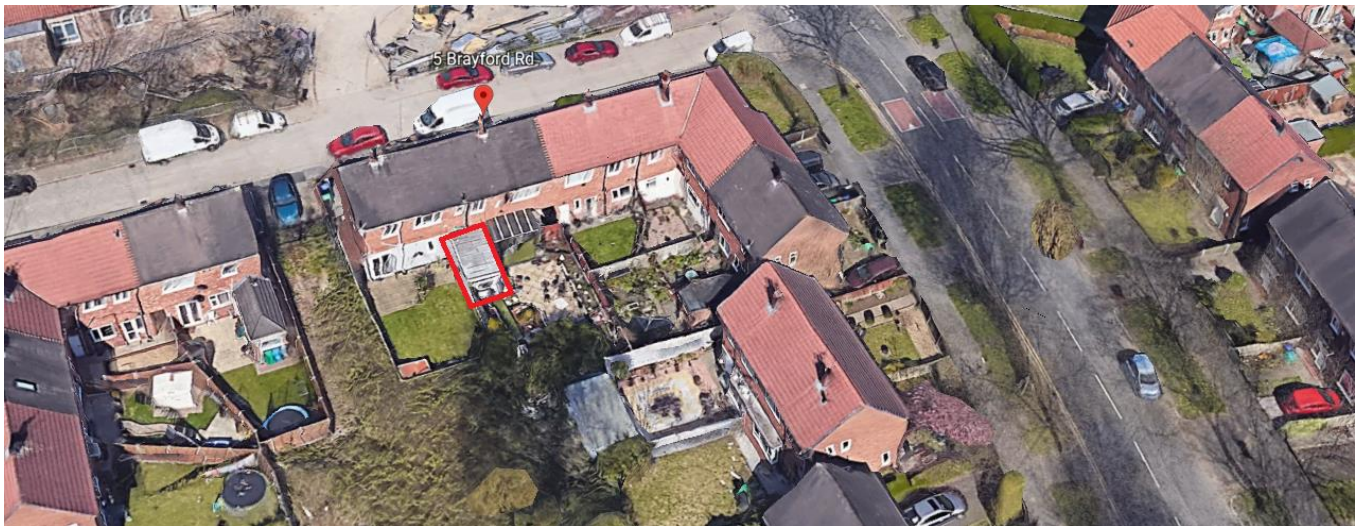
Erection of a single storey rear extension following the demolition of the existing single storey outrigger.

Available evidence of the original form of the property

The 1960 Ordnance Survey plan within the Council's records indicates that number 5 Brayford Road comprised a rear outrigger (presumed single storey) and that this feature was common on properties of a similar design and layout at that time. Ordnance survey plans from 1946 and aerial photographs imply that the property was constructed post second world war between 1946 and 1960. Given the arrangement of similar rear outriggers on properties in the immediate area in terms of form and layout this feature is considered to be original to the dwellinghouse.



Taken from 1960 OS Plan ref SJ 8286SE



Google Earth picture identifying outrigger

Consultations & Notification Responses

None undertaken for this type of application

Policy

The Town and Country Planning (General Permitted Development) Order (2015) - Schedule 2, Part 1, Class A.

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 the rear outrigger is an original feature of the property any proposed extension needs to take into account the side wall of that outrigger. In this instance the proposed extension following demolition of the existing outrigger would extend 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.

Appeal decisions have confirmed that paragraph A.1(j)(iii) confirms development is not permitted if 'the enlarged part of the dwellinghouse would extend 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'. (j) refers to the 'original dwelling' rather than existing or remaining following the proposed works.

Assessment

The proposed single storey rear extension projects no more than 3 metres to the rear, with a maximum height to the top of the roof of 3.56m. 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. The height to eaves would not exceed 3 metres. However, the proposed extension would extend beyond a wall forming a side elevation of the original dwellinghouse with a width (6.7m) far exceeding half the width of the original dwellinghouse (3.4 m). 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

Refuse on the basis that the proposed single storey rear extension shown on the drawing titled 'Planning Purpose Drawings' reference P2E25222A as received by the City Council as Local Planning Authority with the application on the 4th April 2022, does not constitute permitted development in accordance with Schedule 2, Part 1, Class A A.1.(j)(iii) of the Town and Country

Planning (General Permitted Development) (England) Order 2015 as the enlarged part of the dwellinghouse would extend 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.

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 15M

Airport Noise Index Zone - Noise and Nuisance Index - 40-49

Area Team Boundary - Name: SOUTH