

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132744/LP/2022

Date registered valid: 21 January 2022

Proposal: Certificate of Proposed Development for installation of rear dormer and 3.no rooflights to front slope of main roof

Address: 116 Atwood Road, Manchester, M20 6GP

Ward(s): Didsbury East Ward

Applicant: Mr & Mrs Chadwick, 116 Atwood Road, Manchester, M20 6GP

Agent (if any): Mr Simon Miles, S R Miles Ltd, 28 Parrs Wood Avenue, Manchester, M20 5ND

Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 8 March 2022

Application details

Type of application: Certificate Lawful Development Proposed
Development type: Certificates of lawfulness
Date of site visit: None for Certificate of Lawful Development
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
Listed building: Not applicable
Conservation area: Not applicable
Tree Preservation Order: Not applicable

Description of site/building

The application site is a red / buff brick and render Edwardian semi-detached dwelling house situated on the south side of Attwood Road in East Didsbury. The property has a slate gable roof with a projecting timber gabled roof over the main first floor bedroom. There is a single storey extension at the rear for which there is no planning record. It is assumed that this has been completed under Permitted Development.

Description of area

The site is within a mature residential area to the east of Parrswood Road and close to School Lane to the south.

Description of development

Certificate of Proposed Development for installation of rear dormer and 3no. rooflights to front slope of main roof. A gable window is also proposed. The description of development has been amended to include this element of development.

Consultations & Notification Responses

None for Certification of Lawful Development application

Policy

The application seeks the determination of the Local Planning Authority for assessment as to whether the proposal meets the criteria for development to a roof that is Permitted as set out in the following classes of legislation:

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

Dormer

Class B - Permitted development - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

Class B.1 - Development is not permitted by Class B if:

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;
 - (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
 - (i) 40 cubic metres in the case of a terrace house, or
 - (ii) 50 cubic metres in any other case;
 - (e) it would consist of or include—
 - (i) the construction or provision of a verandah, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
 - (f) the dwellinghouse is on article 2(3) land.; or
 - (g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).;
- or
- (h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Class B.2 - Development is permitted by Class B subject to the following conditions:

- (a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) Other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and
- (c) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be:
 - (i) Obscure-glazed, and
 - (ii) 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.

Assessment

The proposed dormer has the following dimensions which is within the cubic volume threshold specified in section B.1(d)(i):

Height – 2.3 x Width 5.7 x Depth 3.9 / 2 = 25.56m³ total volume

The materials are common brick and slate to match the existing with a grey GRP roof. An Informative is appended as a reminder of the requirement for materials to match to ensure compliance with Class B.1(d)(i).

The dormer is set in off the eaves by 200mm and no part of the dormer extends beyond the highest part of the roof. It is not located on a principal elevation facing a highway and includes only a Juliet balcony with no verandah or raised platform. There is no installation, alteration or replacement of a chimney, flue or soil and vent pipe.

The property is not within Article 2(3) land and has not been built under Part 20 of the Schedule (construction of new dwellinghouses). Similarly, the property has not been enlarged under any permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Based on the above, the proposed development is Permitted Development as set out in Class B, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 as amended.

Rooflights

Class C - Permitted development - other alterations to the roof of a dwellinghouse

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

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 M, N, P or Q of Part 3 of this Schedule (changes of use);
- (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;
- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or
- (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.

Assessment

The agent has confirmed that the rooflights accord with the requirements of Class C in terms of their protrusion off the plane of the roof when measured perpendicular to the slope of the original.

They do not extend above the highest part of the original roof and do not consist of or include the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Based on the above, the rooflights are Permitted Development under Class C, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 as amended.

Gable Window

Class A - Enlargement, improvement or alteration of a dwellinghouse

Conditions A.3 Development is permitted by Class A subject to the following conditions-

Class A.3(b)(i)(ii)

b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be –

- (i) obscure-glazed, and
- (ii) 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.

Where such a window is on a staircase or landing (i.e. not in a room) the 1.7 metre measurement should be made from the stair or point on a landing immediately below the centre of the window, upwards to the opening part of the window.

Assessment

The window is on a new stair landing. It has a small openable top hung casement which is located 1.7 metres above the centre of the floor below and is obscurely glazed. The agent has confirmed that it will meet the requirements of Class A. An Informative is appended as a reminder of the requirements for the window to ensure compliance with Class A.3(b)(i).

Based on the above, the gable window is Permitted Development under Class A.3

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: Approve

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

Approve on the basis that the proposed rear dormer and 3no. front roof lights as shown on drawing ref: 21 316 PL200, received by the City Council as Local Planning Authority on 21st of January 2022, constitutes permitted development in accordance with Schedule 2, Part 1, Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives

1. The gable window to the stair landing must be:
 - (i) obscure-glazed, and
 - (ii) 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.
2. The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing 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 90M
Area Team Boundary - Name: SOUTH