

## **Planning**

## **Growth & Development**

### **Delegated officer report for planning application**

**Application no.** 133024/LP/2022

**Date registered valid:** 23 February 2022

**Proposal:** Certificate of Proposed Lawful Development - Erection of single storey rear extension and erection of front porch.

**Address:** 109 Baxter Gardens, Manchester, M23 1BH

**Ward(s):** Baguley Ward

**Applicant:** Mr Keith Whitehead, 109 Baxter Gardens, Manchester, M23 1BH

**Agent (if any):** Mr Jonathan Renshaw, ebrdesigns.com Ltd, 250 Church Road, Manchester, M41 6HD

**Case officer:** Tracie Simpson  
Tel: 0161 234 4537  
Email: [tracie.simpson@manchester.gov.uk](mailto:tracie.simpson@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 19<sup>th</sup> April 2022

## **Application details**

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

## **Description of site/building**

The site relates to a two storey mid terrace property in the Baguley Ward area of Manchester.

|                                 |                |
|---------------------------------|----------------|
| <b>Listed building:</b>         | Not applicable |
| <b>Conservation area:</b>       | Not applicable |
| <b>Tree Preservation Order:</b> | Not applicable |

## **Description of area**

This is primarily a residential area in character.

## **Description of development**

Certificate of Proposed Lawful Development - Erection of single storey rear extension and erection of front porch.

## **Consultations & Notification Responses**

## **Policy and Issues**

The proposals are for the erection of a single storey rear extension and erection of front porch. The submitted drawings indicate the extension is to be finished in brick to match the existing house.

The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended sets out the permitted development rights for householders. Part 1 of Schedule 2 to the Order sets out the permitted development rules concerning what enlargements, improvements, alterations and other additions a householder may make to their house and the area around it without the need for an application for planning permission.

## **Class A - enlargement, improvement or alteration**

This provides permitted development rights for the enlargement, improvement or other alteration of a house.

Under Class A the following limits and conditions apply:

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

M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

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

(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;

(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;

(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 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

(g) until 30th May 2019, 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 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

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

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

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

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

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

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

(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 sub-paragraphs (e) to (j);

(k) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform,

(ii) the installation, alteration 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

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

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

(d) 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 sub-paragraphs (b) and (c).

Conditions

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

(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.

#### Class D - porches

##### Permitted development

D. The erection or construction of a porch outside any external door of a dwellinghouse.

Development not permitted

Class D 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);

(b) the ground area (measured externally) of the structure would exceed 3 square metres;

(c) any part of the structure would be more than 3 metres above ground level; or

(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.; or

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

The proposals are for a rear extension and front porch to a property. The extension does not result in more than 50% of the curtilage of the property being covered by buildings; the extension is within 2 metres of the curtilage of the boundary with neighbouring properties but the eaves of the extension do not exceed 3 metres and the extension would not exceed the maximum height or projection allowed under class A. The extension does not project more than 3 metres from the rear wall of the property.

The porch does not exceed 3 square metres and does not exceed 3 metres in height.

It is therefore considered that the proposal as set out on the submitted drawings is permitted development under Class A of the Town and Country Planning General Permitted Development Rights 2015 as amended.

#### **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

#### **Article 35 Declaration**

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

0) Approve on the basis that the proposed single storey rear extension and front porch as detailed on the submitted drawing number A0.3, A0.4 and A0.5 received by the City Council as Local Planning Authority on the 22nd February 2022, constitutes permitted development in accordance with Part 1, Schedule 2, Class A of the Town and Country Planning (General Permitted Development) (England) 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 45M

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH