

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132629/LP/2022

Date registered valid: 10 January 2022

Proposal: Certificate of Proposed Lawful Development for the erection of rear roof dormer and installation of rooflight to the front roof slope

Address: 24 Falshaw Way, Manchester, M18 7TG

Ward(s): Longsight Ward

Applicant: Ms Diane Mitchell Plummer 24 Falshaw Way, Manchester, M18 7TG

Agent (if any): Mr Niamat Ali NA Design 47 Egerton Road South, Chorlton Cum Hardy, Manchester, M21 0YW

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: 4 February 2022

Date of recommendation: Approve

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: N/A

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: No

Tree Preservation Order: No

Description of area

The application property is located in a residential area predominantly comprising 2-storey houses with some units incorporating roof space accommodation and roof extensions. The proposal relates to a centrally positioned quasi-detached two storey house situated close to the south-west junction of Falshaw Way and Hamsterley Avenue.

Description of development

The development involves:

- i. The formation of flat roof rear extension spanning the width of the western roof plane with dimensions of: 2.7 metres (h) x 5.8 metres (w) x 3.6 metres (d). The roof extension would be offset from the eaves by 200 mm. It would be offset from the respective adjoining boundary by 140 mm. The roof would be positioned 120 mm below the main ridge line. The dormer extension would incorporate a pair windows in the western elevation and the additional floorspace would be used to facilitate the formation of two additional bedrooms, shower room and storage. The proposed elevations would comprise of matching hanging roof tiles. The dormer extension would have a volume of 28.6 cubic metres.

- ii. The formation of the rooflight to the forward roof plane. The window opening has dimensions of 920 mm (h) x 800 mm (w) and projection of not exceeding 75 mm from the roof plane.

Consultations & Notification Responses

None required.

Issues

Proposed Development - This application relates to the formation of a rear roof extensions and roof windows to the forward roof plane. The assessment of the application does not related to the form of future residential occupation but has been related to the following legislation that is applicable to Class C3 and Class C4 uses:

1. The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Permitted development rights Part 1: Class B Permitted development - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
 - i. No part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
 - ii. No 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;
 - iii. The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than:
 - a. 40 cubic metres in the case of a terrace house, or
 - b. 50 cubic metres in any other case;
 - iv. It would not consist of or include
 - a. The construction or provision of a verandah, balcony or raised platform, or
 - b. The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
 - c. The dwellinghouse is not on article 2(3) land.

The above is conditional upon the following:

- a. 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;
- b. The enlargement would be constructed so that:
 - i. The eaves of the original roof are maintained or reinstated; and
 - ii. The edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
- c. Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse;
- d. Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be obscure-glazed and 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.

The proposed roof extension would meet all of the above criteria and conditions of Class B of the GPDO 2015 (as amended), including the condition relating to the use of similar materials.

2. The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Permitted development rights Part 1: Class C - other alterations to the roof of a dwellinghouse

The proposed roof light to the forward roof plane to Falshaw Way have been considered with regard to the following:

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.

The proposed front roof light would be within the maximum projection from the plane of the roof and therefore met the requirements of Class C of the GPDO 2015 (as amended).

On this basis, the proposed roof windows would constitute permitted development.

Conclusion - It is considered that the proposals would constitute permitted development subject to conditions requiring the materials to be used would be of a similar appearance to the existing house, which is a requirement of Class B.

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

N/A

Condition(s) to be attached to decision for approval

1) The proposed rear roof extensions and windows to the front roof plane relating to 24 Falshaw Way Manchester M18 7TG as shown on the application forms and drawings stamped as received by the City Council as local planning authority on 5 January 2022 and 3 February 2022 and referenced:

Application forms

Location plan with a red edge

Existing plan Ref: NA-B01

Proposed plan Ref: NA-B02

Section Ref NA-B03

constitutes permitted development in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Article 3, Permitted development rights, Part 1, Class B, Permitted development - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof and Class C - other alterations to the roof of a dwellinghouse and on the basis that 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.

Appendix 1 – List of consultees & neighbours notified

N/A

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Area Team Boundary - Name: NORTH2