

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132288/LP/2021

Date registered valid: 22 November 2021

Proposal: Certificate of lawful proposed development for the erection of a single storey rear extension following demolition of existing rear single storey outrigger

Address: 10 Lathom Road, Manchester, M20 4NX

Ward(s): Withington Ward

Applicant: Mr Dale Briers, 10 Lathom Road, Manchester, M20 4NX

Agent (if any): Mr Anil Mistry, Bricks and Pieces Ltd, Suite 301, Broadstone Mill, Broadstone Road, Stockport, SK5 7DL

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

Recommendation: Refuse

Date of recommendation: 21.12.2021

Application details

Type of application: Certificate Lawful Development 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: Not applicable

Tree Preservation Order: Not applicable

The application relates to a two storey semi-detached residential dwellinghouse of red brick with a red pantile hipped roof, round bay windows and an original single storey rear outrigger. The plot includes a front garden, driveway and rear garden.

Description of area

Lathom Road is residential in nature and characterised by similar red brick family dwellinghouses arranged in semis, which benefit from their proximity to Withington District Centre, Ladybarn Park and Mauldeth Road train station.

Description of development

The applicant wishes to replace the original kitchen outrigger with a flat roofed single storey rear extension across the full width of the extension following demolition of the existing outrigger to provide additional living accommodation.

Planning History

130119/LP/2021 - Certificate of lawful proposed development for the erection of single storey rear extension and internal alterations refused June 2021 due to it not constituting permitted development in accordance with Schedule 2, Part 1, Class A - A.1.(i) and A.1.(j)(iii) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Consultations & Notification Responses

None 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 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 developm

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 glazed lantern 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 3metres. However, the proposed extension would project beyond the footprint of the original outrigger and which would extend beyond a wall forming a side elevation of the original dwellinghouse, becoming a side and rear extension with a width (6.3m) far exceeding half the width of the original dwellinghouse (3.25m). 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 polices 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

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

1) Refuse on the basis that the proposed single storey rear extension shown on the drawing titled 'Proposed Plans/Elevations', stamped as received by the City Council as Local Planning Authority with the application on the 22nd November 2021, 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 90M

Flood Zones Type 2 (low to medium risk) -

Flood Zones Type 3 (high risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH