

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131848/LP/2021

Date registered valid: 6 October 2021

Proposal: Certificate of lawful proposed development for the erection of single storey rear extension and rear roof dormer to form additional living accommodation

Address: 64 Kingshill Road, Manchester, M21 9FY

Ward(s): Chorlton Ward

Applicant: Mr Nick Kelly, 64 Kingshill Road, Manchester, M21 9FY

Agent (if any): Mr Josh Daniel, CK Architectural, 13 Hessle Road, Hull, HU3 2AA

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 29 November 2021

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: Not required

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

The application site relates to a mid-terraced two storey dwellinghouse that has a rear garden.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature, with a mixture of different housing types and ages.

Description of development

The applicant is seeking a certificate of lawful proposed development for the erection of single storey rear extension and rear roof dormer to form additional living accommodation.

Consultations & Notification Responses

None Required.

Issues

The proposal involves different classes of the of the Town and Country (General Permitted Development) Order 2015 (as amended) (GPDO). Each part of the proposal will be considered as follows:

Class A – Single Storey Rear Extension

Class B– Dormer window

Single Storey Rear Extension

Under Class A for *"the enlargement, improvement or other alterations of a dwellinghouse"* the status of the original house needs to be taken into account, as this state the base from which all measurements should be taken. Under the Order, the term "original" means:

in relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built.

There have been no previous applications at the property. The historic map (image 1) dates from 1955 and together with photographs from other applications on this street, the existing layout is considered to show the original layout of the property. As shown the single storey outrigger is a common feature for properties on Kingshill Road (formerly Highfield Road), although it is acknowledged that there is a minority where this differs.



Image 1 Historic Map taken from Manchester City Council GIS images dated 1955

The proposal will be considered under Class A of the Town and Country (General Permitted Development) Order 2015 (as amended) - the relevant legislation when determining the enlargement, improvement or other alterations to dwellinghouses.

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);

Complies [✓]

(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);

Complies [✓]

(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;

Complies [✓]

(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;

Complies [✓]

(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;

Complies [✓] – The proposal is for a single storey extension located at the rear of the property.

(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

Complies [✓] The proposal has a rearward projection of 2.965 metres.

(ii) exceed 4 metres in height;

Complies [✓] The proposal would have a lean to roof with a maximum height of 3.552 metres.

(g) 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;

Complies [N/A] – The applicant has only applied for a certificate of proposed lawful development and not prior approval for a large home extension.

(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;

Complies [N/A] – Relates only to a single storey extension.

(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;

Complies [✓] The eaves would be 2.290 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,

Complies [✓]

(ii) have more than a single storey, or

Complies [✓]

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

Complies [✓]

As shown in the image below (image 2) the proposed drawings appear to show that the pantry (indicated by the red diagonal stripes) will be demolished and that the existing kitchen area will join with the proposed extension.

In order to achieve this the outrigger would either have to be demolished and/or modified and the new extension would extend beyond an original side wall which is indicated by the green line in the image below.

The new extension would have a width of 1.409 metres which is less than half the width of the original dwellinghouse which has been measured at 4.544 metres.

It should be noted that whilst the pantry area will be demolished should in the future the occupier or owner wish to extend further this pantry area would have to be taken into consideration. The existing drawings show that this is an extension, however as shown in image 1 it is believed that this is part of the original dwellinghouse and not an extension.

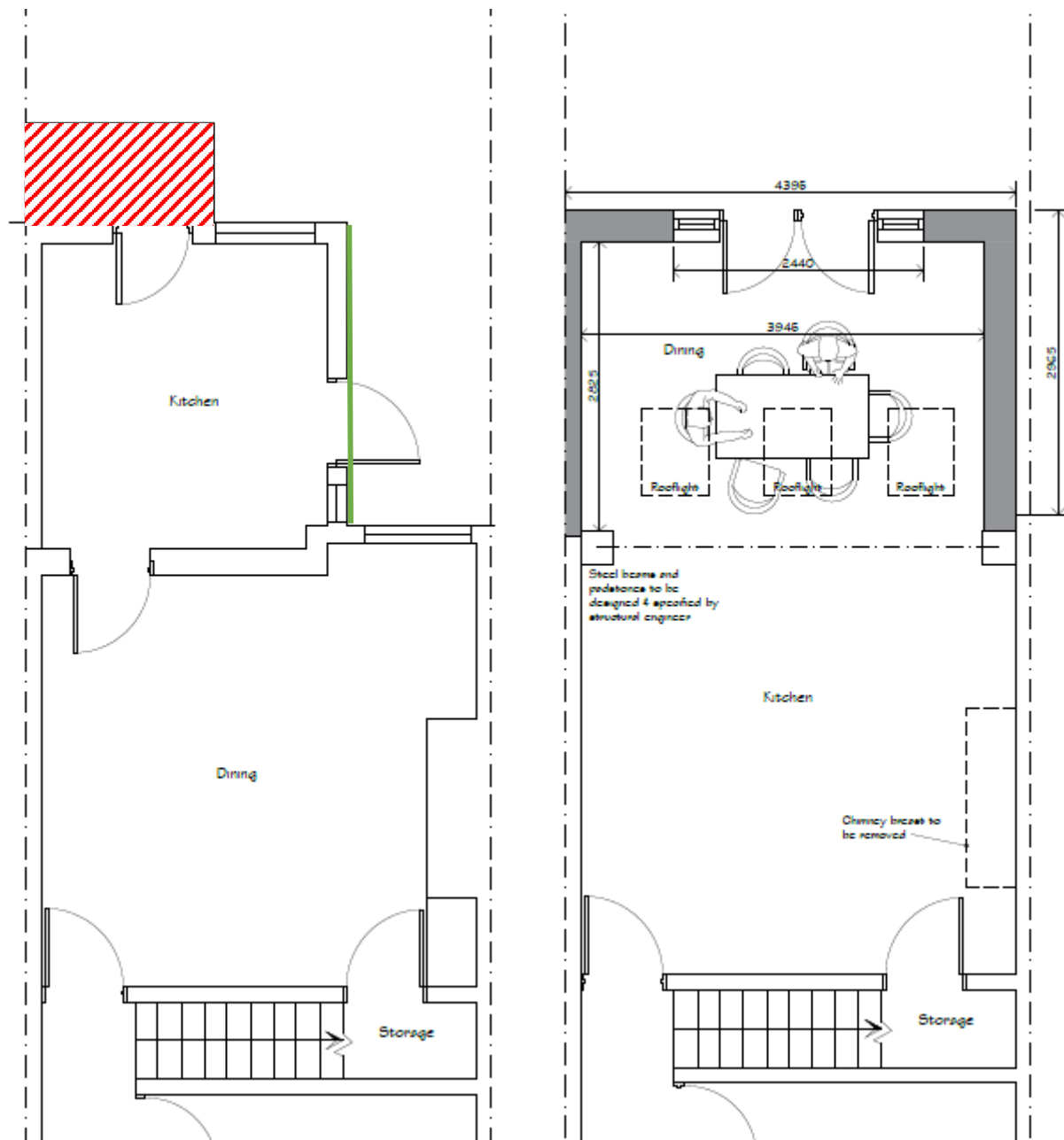


Image 2 Comparison between existing (lhs) and proposed ground floor plan (rhs)

(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);

Complies [✓] – As explained about the enlarged part will join an original part of the dwellinghouse in this case the original outrigger.

(k) it would consist of or include—

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

Complies [✓]

(ii) the installation, alteration or replacement of a microwave antenna,

Complies [✓]

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

Complies [✓]

(iv) an alteration to any part of the roof of the dwellinghouse.; or

Complies [✓]

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

Complies [✓]

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;

Complies [N/A] – Not located on article 2(3) land.

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

Complies [N/A] – Not located on article 2(3) land.

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

Complies [N/A] – Not located on article 2(3) land.

(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 subparagraphs (b) and (c).

Complies [N/A] – Not located on article 2(3) land.

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;

Complies [✓]

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse 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; and

Complies [✓]

(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Complies [✓]

The proposed rear dormer

The Town and Country Planning (General Permitted Development) (England) Order 2015

Class B – additions etc to the roof of a dwellinghouse

Permitted development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development not permitted

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, MA, 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;

Complies [✓]

(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;

Complies [✓]

(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

Complies [✓] As demonstrated below:

(ii) 50 cubic metres in any other case;

Complies [N/A]

Dormer Volume = $\frac{1}{2} \times (\text{width} \times \text{length} \times \text{height})$

$$= \frac{1}{2} \times (4.345 \text{ metre} \times 4.383 \text{ metre} \times 2.053 \text{ metre})$$

$$= \underline{\underline{19.548 \text{ metre}^3}}$$

(e) it would consist of or include—

- (i) the construction or provision of a veranda, balcony or raised platform, or
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

Complies [✓]

- (f) the dwellinghouse is on article 2(3) land.; or

Complies [N/A] – Not located on article 2(3) land.

- (g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).; or

Complies [✓]

- (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).

Complies [✓]

Conditions

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

- (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;

Complies [✓]

- (b) the enlargement must be constructed so that—

- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

- (aa) the eaves of the original roof are maintained or reinstated; and

Complies [✓]

- (bb) 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

Complies [✓]

- (ii) 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; and

Complies [✓]

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse 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.

Complies [✓] – No Side windows proposed

Interpretation of Class B

B.3 For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4. For the purposes of paragraph B.2(b)(ii)—

- (a) roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement; and
- (b) “rear or side extension” includes an original part of, or a subsequent extension of, the dwellinghouse that extends from the rear or side of the principal part of the original dwellinghouse.

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

1) Approve on the basis that the proposed single storey rear extension and rear roof dormer as shown on drawing M21-2651 REV A SHT 002 received by the City Council as Local Planning Authority, on the 06.10.2021 constitutes permitted development in accordance with Part 1, Schedule 2, Classes A and B 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 90M

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: SOUTH