

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131340/LP/2021

Date registered valid: 13 August 2021

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

Address: 41 Tuscan Road, Manchester, M20 5GS

Ward(s): Didsbury East Ward

Applicant: Mr Michael Kirkman 41 Tuscan Road, Manchester, M20 5GS

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

Case officer: Melanie Tann
Tel: 0161 234 4538
Email: melanie.tann@manchester.gov.uk

Recommendation: Approve

Date of recommendation: **23rd September 2021**

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Notifications

Date of site visit: None required 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

The property is a traditional, two-storey semi-detached house with gardens to the front and rear

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is residential in character

Description of development

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

Consultations & Notification Responses

None required

Materiality

The application property is a two-storey brick semi-detached property located within the Didsbury East ward. The property has private amenity space to the front and rear with a curtilage area excluding the original dwellinghouse. The property is not located within a conservation area and is not subject to an article 4 direction in respect of extensions.

The application relates to the request to the Council to confirm that the proposed works in the form of a single storey rear extension comply with permitted development rights set out within the General Permitted Development Order 2015 as amended.

Class A of Part 1 of Schedule 2 of the GPDO 2015 as amended states:

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

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 opposite the rear wall of the dwellinghouse;

(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).

The single storey rear extension would project 3 m from the rear wall. The height to eaves would be 2.3 m with an overall height of 3.66 m. This extension would not exceed 50% of the curtilage of the property. As such the rear extension meets the requirements of Class A.

A condition of Class A is that the materials used in any exterior work (other than materials used in the construction of conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing 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:

Article 35 Declaration

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

1) Approve on the basis that the proposed single-storey rear extension as detailed on the submitted drawings received by the City Council as Local Planning Authority on the 13th August 2021, 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.

In order to comply with condition A.3 of Class 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.

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) -

Benefitting From Flood Defences -

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: SOUTH