

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131120/LP/2021

Date registered valid: 19 July 2021

Proposal: Certificate of Lawful Proposed Development for the creation of additional / replacement hardstanding and new access

Address: 459 Altrincham Road, Manchester, M23 1AA

Ward(s): Baguley Ward

Applicant: Mr Joe Robertson C/o Agent

Agent (if any): Mr Aaron Marrs, Emery Planning Units 2 - 4 South Park Court,
Hobson Street, Macclesfield, SK11 8BS

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

Recommendation: Approve

Date of recommendation: 09.09.2021

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application relates to a residential property located on the corner of Spinney Road and Altrincham Road to the south of Wythenshawe Park.



459 Altrincham Road

Description of development

The applicant seeks confirmation that the formation of a vehicular access to Spinney Road and the creation of a driveway in porous surfacing material is permitted development that does not require planning permission.

In this instance class F of part 1 'Development within the curtilage of a dwellinghouse' and class B 'creation of accesses' of Part 2 of schedule 2 of the General Permitted Development Order are the relevant considerations as to whether the proposals constitute permitted development.

Issues

Schedule 2 of the General Permitted Development Order 2015 as amended

Part 1 Development within the curtilage of a dwellinghouse

Class F - hard surfaces incidental to the enjoyment of a dwellinghouse

Permitted development

F. Development consisting of—

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (b) the replacement in whole or in part of such a surface.

Development not permitted

F.1 Development is not permitted by Class F if permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use).

Development is not permitted by Class F 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); or
- (b) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

Conditions

F.2 Development is permitted by Class F subject to the condition that where—

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
 - (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,
- either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

The proposals are to use porous material within the construction of the hard surface and therefore complies with Class F.

Part 2 'Minor Operations'

Class B - means of access to a highway

Permitted development

B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

Spinney Road is not a classified road or a trunk road and therefore the means of access complies with Class B or Part 2 as it is proposed in connection with other development permitted in schedule 2 (Part 1 – Class F).

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 OR Reasons for recommendation to refuse

1) Approve on the basis that the creation of additional and replacement hardstanding and vehicular access to Spinney Road as indicated on the submitted information and supporting statement as received by the City Council as Local Planning Authority on the 19th July 2021, constitutes permitted development in accordance with Schedule 2, Part 1, Class F 'hard surfaces incidental to the enjoyment of a dwellinghouse' ; and, Part 2, Class B 'means of access to a highway' of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

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) -

Susceptible to Surf Water Flood (More) -

Area Team Boundary - Name: SOUTH