

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132216/LP/2021

Date registered valid: 19 November 2021

Proposal: Certificate of proposed lawful development for single storey rear extension and rear dormer extension

Address: 78 Wayland Road, Manchester, M18 7HB

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr Emmanuel Ademosu 78 Wayland Road, Manchester, M18 7HB

Agent (if any): Mr Barry Bradley Bradley Building Design Ltd Keepers Cottage, Lyme Park, Stockport, SK12 2NS

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: APPROVE

Date of recommendation: 12 January 2022

Application details

Type of application: Certificate Lawful Developmnt Proposed

Development type: Certificates of lawfulness

Date of site visit:

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:

Tree Preservation Order:

This application relates to a terraced (quasi-semi-detached) property, in a row of 4 similar properties in a predominantly residential area.

The application is for a lawful development certificate for a proposed single storey rear extension and rear dormer extension.

It is proposed to erect a new single storey rear extension, which would project 3 metres, from the rear of the house. The extension would have a pitched roof with an eaves height of approximately 2.7 metres and a maximum height of approximately 3.5 metres, where it connects with the existing house. It would be set-in slightly from the side boundaries of the property.

The site has extensive front and rear gardens and the additional floorspace created, represents a loss of only approximately 10% of this garden area.

In addition it is also proposed to erect a rear dormer extension.

The rear dormer would come almost up to the apex of the roof and would be set-in from the roof edges and, at its base, by over 20 centimetres from the eaves. It would have a height of approximately 2.1 metres, a width of approximately 6.2 metres and would project approximately 2.2 metres from the apex of the roof. The dormer extension would therefore have a volume of approximately 14.3 cubic metres.

All materials would match the existing.

Consultations & Notification Responses

None

Issues

The certificate of lawful development that has been applied for has been done so because the applicant wishes to gain confirmation that a proposed rear extension and dormer extension, at the house, constitutes permitted development. The proposal therefore needs to be assessed with regards to the Town and Country Planning (General Permitted Development) (England) Order 2015. This sets out the rules concerning what extensions, improvements and alterations a householder may make to their house and the area around it without the need for an application for planning permission. Such works are known as 'permitted development'.

Rear extension

The Town and Country Planning, Schedule 2, Part 1, Class A - Permitted development - The enlargement, improvement or other alteration of a dwellinghouse.

Class 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, N, P 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) 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;
- (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;

As the proposed extension does not breach any of the above restrictions, the certificate can be granted as the proposed development would be lawful as permitted development.

Dormer extension

Class B of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 relates to additions to the roof of a dwellinghouse

B.1 States that 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, N, P 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;
- (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;
- (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
 - (ii) 50 cubic metres in any other case;
- (e) it would consist of or include—
 - (i) the construction or provision of a verandah, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- (f) the dwellinghouse is on article 2(3) land.

The legislation also states:

B.2 Development is permitted by Class B subject to conditions including:

- (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 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
 - (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
 - (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;

The dormer extension meets this criteria, in terms of volume, distanced from eaves and position on the roof.

In addition, the applicant has confirmed that the dormer would be constructed in materials to match the existing roof. Planning permission is not therefore required for the proposed dormer.

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 works detailed on the site location plan, drawing numbered 2025/1, stamped as received by the City Council as Local Planning Authority on 12 November 2021, drawing numbered 2025/2/B, stamped as received by the City Council as Local Planning Authority on 11 January 2022, and the email from Barry Bradley, dated 11 January 2022, which confirms that all proposed materials would match the existing house, 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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH2