

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131791/LP/2021

Date registered valid: 1 October 2021

Proposal: Certificate of Proposed Lawful Development for demolition of the existing garage, new internal and external structural openings, installation of rear dormer and erection of new single storey outbuilding at the rear of the site.

Address: 17 Linden Park, Manchester, M19 2PQ

Ward(s): Burnage Ward

Applicant: Ms Polly Checkland & Mr Joe Daly 17 Linden Park, Manchester, M19 2PQ

Agent (if any): Mr M Collins Michael Collins Architect LLP 12 Purwell Lane, Purwell Lane, Hitchin, SG4 0NE

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

Recommendation: Approve

Date of recommendation: 30 November 2021

Application details

Type of application: Certificate Lawful Development 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 two storey semi-detached property, in a row of similar properties. The property is centrally located in the row, with a row of semi-detached properties behind. There is a shared driveway/passageway between the property and the adjoining property (19 Linden Park) and there is a single storey garage in the rear garden, although it does not appear that the existing driveway/passageway is used for vehicular access.

The application is for a lawful development certificate for the demolition of this garage and for the following works:

- Changes to the ground floor rear elevation to create additional glazing with new aluminium sliding windows and oxidised copper external cladding along with various internal works
- A rear dormer extension - This would be no higher than the apex of the existing 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 2.2 metres from eaves level, a width of approximately 6 metres and would project approximately 4.5 metres from the apex of the roof. The dormer extension would therefore have a volume of approximately 29.5 cubic metres. The material proposed would be oxidised copper cladding of a similar colour to the existing roof and installed in strips to compliment the existing roof tiles.
- Erection of a single storey detached 'garden studio' at the bottom of the garden - This would have dimensions of approximately 2.7 metres long x 5 metres wide x 2.5 metres high A pergola would also be attached to the front and side of this structure, being no higher than the height of that structure. This would be finished in a charred timber cladding.
- Installation of two roof lights in the roof plane of the front elevation of the house.

Consultations & Notification Responses

None

Issues

The certificate of lawful development that has been applied for because the applicant wishes to gain confirmation that a proposed rear dormer extension, two roof lights, a rear outbuilding and some elevational changes, 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'.

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 external alterations do not breach any of the above restrictions, these alterations would be lawful as permitted development.

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 which would be similar in appearance and style to the existing house .

Planning permission is not therefore required for the proposed dormer.

In relation to the proposed roof lights Class C.1 states that development is not permitted by Class C 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) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof; .
- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or .
- (d) it would consist of or include— .
 - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or .
 - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment. .

The roof lights would not project more than 0.15 metres from the roof plane and meet the requirements of Class C. Planning permission is not therefore required.

In relation to the proposed outbuilding, Class E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 states that development is not permitted by Class E 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);
- (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (d) the building would have more than a single storey;
- (e) the height of the building, enclosure or container would exceed—
 - (i) 4 metres in the case of a building with a dual-pitched roof,
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - (iii) 3 metres in any other case;
- (f) the height of the eaves of the building would exceed 2.5 metres;
- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (h) it would include the construction or provision of a verandah, balcony or raised platform;
- (i) it relates to a dwelling or a microwave antenna;
- (j) the capacity of the container would exceed 3,500 litres.; or
- (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

No part of the building exceeds 2.5 metres in height and the total area of ground covered by outbuilding does not exceed more than 50% of the total curtilage area. Planning permission is not therefore required.

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

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 following drawing and documents constitutes permitted development in accordance with Part 1, Schedule 2, Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended:

Drawings numbered 095-001, 095-002, 095-003, 095-004, 095-005, 095-006 and 095-007, all stamped as received by the City Council, as Local Planning Authority on 1 October 2021.

The Design and Access Statement rev B, and drawings numbered 095-020, 095-021, 095-022 rev B, 095-023 rev B, 095-024 rev B and 095-025 rev B, all stamped as received by the City Council as Local Planning Authority on 30 November 2021.

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 - Surface Coal Resources - Name: Coal bearing strata at surface

Area Team Boundary - Name: NORTH2