MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	131605/LP/2021
Date registered valid:	8 September 2021
Proposal:	Certificate of Proposed Lawful Development for the erection of a single storey rear extension, following demolition of existing conservatory
Address:	4 Wigsby Avenue, Manchester, M40 0FL
Ward(s):	Charlestown Ward
Applicant:	Catherine Healey 4 Wigsby Avenue, Manchester, M40 0FL
Agent (if any):	Mr Joseph Spence-Ealham Spence & Oldham Architects Ltd 25 Cosgrove Crescent, Failsworth, M35 0JX
Case officer:	Katie Raw Tel: 0161 234 4164 Email: katie.raw@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	2 November 2021

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: N/A

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:

Description of area

The applicant site relates to 4 Wigsby Avenue within the ward of Charlestown in north Manchester. It is a 2 storey, red brick, semi-detached property. The applicant site benefits from a paved double driveway to the front, a side passage, and a paved garden and decking area to the rear. An existing conservatory spanning the width of the property, and a shed are positioned within the rear garden.

Description of development

The submitted application seeks a Certificate of Proposed Lawful Development for the erection of a single storey rear extension, following the demolition of the existing conservatory. The extension would create a new dining room. The proposal would include the insertion of a kitchen window and bi-folding doors within the rear elevation, and 3 no. rooflights.

Planning history

No planning history exists for the property.

Consultations & Notification Responses

None.

Issues

The Certificate of Lawful Development has been applied for as the applicant wishes to gain confirmation that a proposed rear single storey extension constitutes permitted development. The proposal therefore needs to be assessed with regards to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). 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.

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 G, 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) 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 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).

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;

(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

(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.

Assessment

The proposed single storey rear extension would have approximate dimensions of Height: 3.94 (at the highest point)/ 2.35 (at the eaves) x Length: 2.93 x Width: 5.86 metres. The extension would be sited approximately 0.42 metres away from the shared boundary with 6 Wigsby Avenue and 1.47 metres from 2 Wigsby Avenue. The proposed extension is located within the rear garden of the property and would not be forward of any land forming the principal elevation. The footprint of the extension would not occupy over 50% of the original curtilage of the dwellinghouse. Materials, including tiles and bricks, would match those of the host property.

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.

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 polices 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 proposal detailed within:
-Application for a Lawful Development Certificate or a Proposed Use or Development form, stamped as received by the City Council as Local Planning Authority on 8 September 2021
-Drawing- Proposed- Plans & Elevations, numbered (02)003 REV B, stamped as received by the City Council as Local Planning Authority on 8 September 2021
-Drawing- Existing- Plans & Elevations, numbered (02)002A, stamped as received by the City Council as Local Planning Authority on 29 October 2021
-Drawing- Location Plan, numbered (02)001A, stamped as received by the City Council as Local Planning Authority on 29 October 2021
constitutes permitted development in accordance with Schedule 2, Part 1, Class A 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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH1