MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	131572/LP/2021
Date registered valid:	6 September 2021
Proposal:	Certificate of lawful proposed development for the conversion of roof space to habitable accommodation to include the addition of 6 no. rooflights to front and rear elevation
Address:	44 Riverside Avenue, Manchester, M21 7PU
Ward(s):	Chorlton Park Ward
Applicant:	Mr N Saunders 44 Riverside Avenue, Manchester, M21 7PU
Agent (if any):	Ms Sarah Bolsover Smashbox Architecture 97 Alderley Road, SK9 1PT
Case officer:	Robert Griffin Tel: 0161 234 4527 Email: robert.griffin@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**01.10.2021**

Application details

Type of application: Certificate Lawful Develpmnt 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 property

The property is a two storey brick semi-detached residential property with front and rear private amenity space, it is not located within a conservation area and there are no other article 4 directions in place removing permitted development rights for extensions or alterations to residential dwellinghouses.

Description of development

The proposals relate to the determination of the City Council as local planning authority that the proposed installation of 6 no. rooflights to the front and rear roof of the property are permitted development not requiring planning permission. The agent has confirmed the rooflights would not protrude beyond the roof plane by more than 0.15m.

Consultations & Notification Responses

None undertaken for this type of application.

Policy
The Town and Country Planning, Schedule 2, Part 1, Class C of the Town and Country (General Permitted Development) (England) Order 2015 as amended is the relevant section that requires satisfying with regards to the proposed rooflights.

Class C - other alterations to the roof of a dwellinghouse
Permitted development
C. Any other alteration to the roof of a dwellinghouse.

Development not permitted
C.1 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 proposed 6 no. rooflights have been confirmed as not protruding more than 0.15 metres from the slope of the original roof and are therefore permitted under class C of the GDPO as amended.

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

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

1) Approve on the basis that the installation of the roof lights as detailed on drawings:- 6206_P01; 6206_P05; 6206_P06 as received by the City Council as local planning authority on the 6th September 2021 constitutes permitted development in accordance with Schedule 2, Part 1, Class C 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
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: SOUTH