

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131313/LP/2021

Date registered valid: 11 August 2021

Proposal: Certificate of lawful proposed development for the erection of a single storey rear extension

Address: 47 Hatherley Road, Manchester, M20 4RU

Ward(s): Withington Ward

Applicant: Mr Jack Hardman 47 Hatherley Road, Manchester, M20 4RU

Agent (if any): Mr Mike Hurst Plans For Property 17 Parkfield Close, Astley, Manchester, M29 7GH

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 29 September 2021

Application details

Type of application: Certificate Lawful Developmnt Proposed

Development type: Certificates of lawfulness

Date of site visit: None Required

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

The application site relates to a two storey semi-detached brick built dwellinghouse with a red concrete tiled hipped roof. The property has front bay windows at both ground and first floor.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature comprising of two storey semi-detached dwellinghouses of a similar design.

Description of development

The applicant is seeking a certificate of lawful proposed development for the erection of a single storey rear extension.

Consultations & Notification Responses

None required.

Issues

The applicant is seeking a certificate of proposed lawful development for a single storey rear extension.

The proposal will be considered under Class A of the Town and Country (General Permitted Development) Order 2015 (as amended) - the relevant legislation when determining the enlargement, improvement or other alterations to dwellinghouses.

Under Class A for *"the enlargement, improvement or other alterations of a dwellinghouse"* the status of the original house needs to be taken into account, as this state the base from which all measurements should be taken. Under the Order, the term "original" means:

in relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built

There have been no previous applications at the property, however there is a single storey outrigger at the rear which appears to be a later addition, the 1958 Ordinance Survey (OS) map (image 1) shows the dwellinghouse as originally built and there is no single storey outrigger.

The original layout of the dwellinghouse as shown in 1958 can be seen from image1.

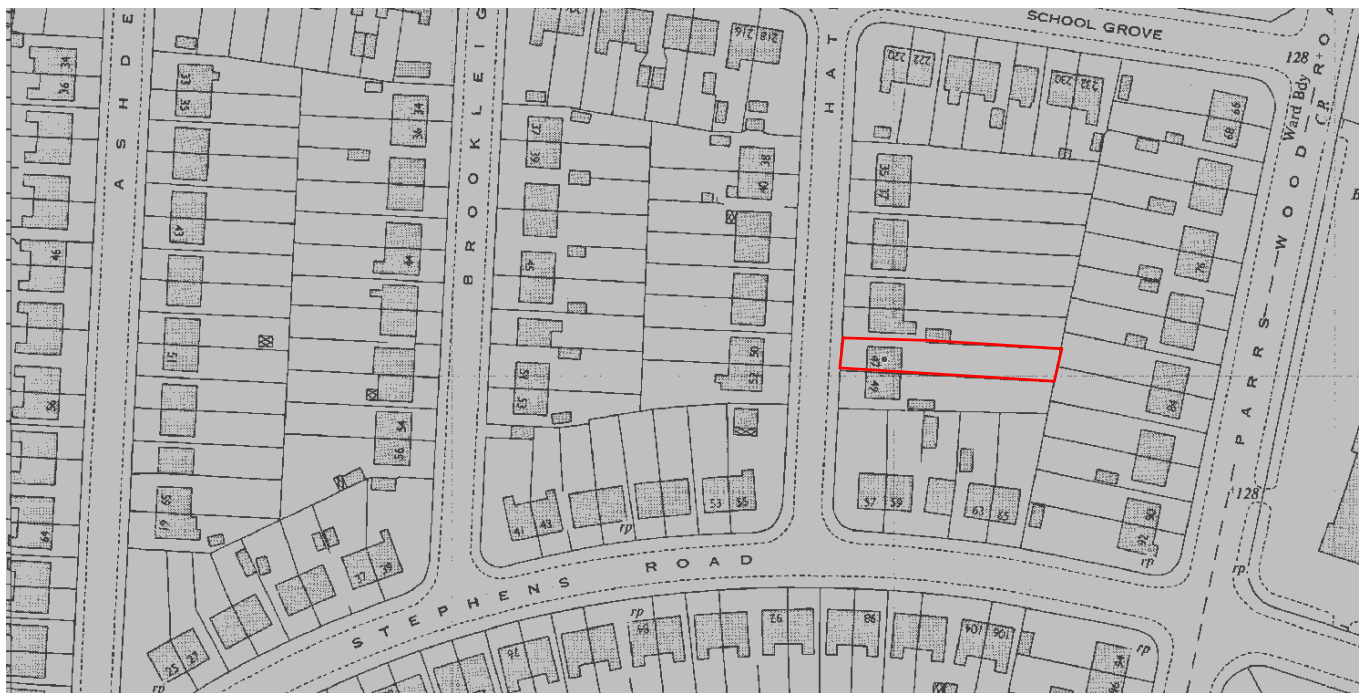


Image 1 OS Map from 1958, the site edged in red. Source: OS City Council Historic Maps

Furthermore the streetview image (Image 2) of the property show that the side of the outrigger is a different brick to the one used on the side of the dwellinghouse, which the image on its own could not be definitive evidence that it is not original but taken with the ONS image above it would further support the view that the outrigger is not original to the dwellinghouse.

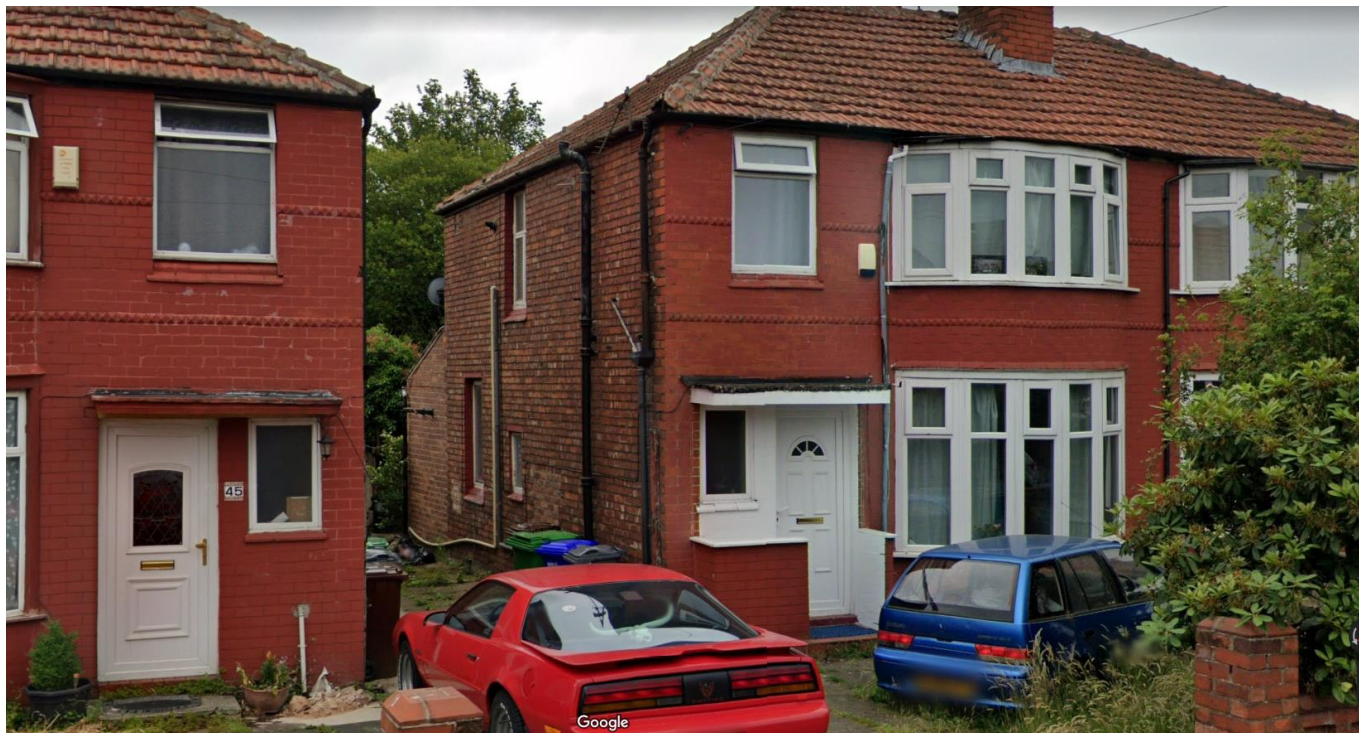


Image 2 47 Hatherley Road as viewed from Hatherley Road. Source: www.google.com/maps accessed 29.09.2021

The Town and Country Planning (General Permitted Development) (England) Order 2015

Class A – enlargement, improvement or other alteration of a dwellinghouse

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

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);

Complies [N/A] Dwellinghouse pre-dates any of these changes.

(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);

Complies [✓]

(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;

Complies [✓]

(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;

Complies [✓]

(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;

Complies [✓] – The proposed extension is located to the rear of the property.

(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

Complies [✓] – The property is semi-detached and the proposed extension would have a rearward projection of 3 metres.

(ii) exceed 4 metres in height;

Complies [✓] – The proposed extension would have a maximum height of 3.46 metres.

(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;

Complies [N/A]

(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 opposite the rear wall of the dwellinghouse;

Complies [N/A] – Relates only to a single storey rear extension.

(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;

Complies [✓] – Eaves height is shown as 2.7 metres.

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

Complies [✓] – Proposal would be located at the rear of the property. The outrigger is not original to the dwellinghouse and therefore the extension would not extend beyond a wall forming a side elevation of the original dwellinghouse.

(i) exceed 4 metres in height,

Complies [N/A]

(ii) have more than a single storey, or

Complies [N/A]

(iii) have a width greater than half the width of the original dwellinghouse; or

Complies [N/A]

(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);

Complies [N/A]

(k) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform,

Complies [✓] – None proposed.

(ii) the installation, alteration or replacement of a microwave antenna,

Complies [✓] – None Proposed

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

Complies [✓] – The proposal does not.

(iv) an alteration to any part of the roof of the dwellinghouse; or

Complies [✓]

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

Complies [✓] – The materials will match that of the existing dwellinghouse

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

Complies [✓] – The proposal is at the rear of the property and not the side.

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

Complies [✓] – The proposal is single storey.

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;

Complies [✓]

(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

Complies [✓] – No upper side windows are proposed

(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upperstorey 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.

Complies [✓] – Proposal is single storey only.

Conclusion

In conclusion, the proposed single storey rear extension complies with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and the certificate should be approved.

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 the proposed single storey rear extension as shown on drawing 47HR_CPLU_001 stamped as received by the City Council as Local Planning Authority, on the 11.08.2021 constitutes permitted development in accordance with Part 1, Schedule 2, 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 Zone - All Exceeding 90M

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH