MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	131329/LP/2021
Date registered valid:	18 August 2021
Proposal:	Certificate of lawful proposed development for the erection of a single storey rear extension
Address:	4 Maidstone Avenue, Manchester, M21 9WE
Ward(s):	Chorlton Ward
Applicant:	Mr And Mrs Appleby, 4 Maidstone Avenue, Manchester, M21 9WE
Agent (if any):	Mr Steve Mellor, William McCapp, The Old Post Room, 34 Chew Valley Road, Saddleworth, OL3 7DA
Case officer:	Tracie Simpson Tel: 0161 234 4537 Email: tracie.simpson@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: 13th October 2021

Application details

Type of application: Certificate Lawful Develpmnt Proposed
Development type: Certificates of lawfulness
Date of site visit: Not 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

The application property is a two storey red brick end of terrace residential property with front garden/driveway and garden area to the rear.

Listed building: Not applicable
Conservation area: Not applicable
Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature

Description of development

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

Consultations & Notification Responses

None Required for this type of application.

Policy and Issues

The proposed rear extension has been assessed with reference to: The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Permitted development rights, Part 1, Development within the curtilage of a dwellinghouse: Class A - enlargement, improvement or other alteration of a dwellinghouse
The development is considered to be permitted on the basis that:

i. 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 not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

ii. The enlarged part of the dwellinghouse would have a single storey and would not project by more than 3 metres in the case of this terraced dwellinghouse;

iii. 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;

iv. The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would not —

- Exceed 4 metres in height,
- Be more than a single storey, or
- Have a width greater than half the width of the original dwellinghouse nor would it consist of or include —

o The construction or provision of a verandah, balcony or raised platform,
o The installation, alteration or replacement of a microwave antenna,
o The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
o An alteration to any part of the roof of the dwellinghouse.

The application property is not within a conservation area (Article 2(3) land) and the proposed extension would be constructed using matching materials.

The proposed extension would project no greater than the 3 metres permissible, would be no higher than 3 metres to the eaves or 4 metres overall height. The extension would also be constructed using materials matching those of the existing property.

On the basis of the above, it is considered that the proposed single storey rear extension would be permitted development.

The materials proposed would match the existing dwellinghouse, with brick and tile. The proposal accords with the regulations set out in the General Permitted Development Order (2015) and is deemed permitted development not requiring planning permission. In addition to this, given the precedence in the area and suitable design and materials of the proposal, it is not considered the extension would negatively impact upon the visual amenity of the house or area nor the residential amenity of the surrounding occupiers.

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 the proposed rear extensions shown on the drawing numbered: 052187 1 of 2 Existing and Proposed plans and elevations, 052187 2 of 2 proposed site and location plan received by the City Council as Local Planning Authority on the 12th August 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.

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
Area Team Boundary - Name: SOUTH