MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	131142/LP/2021
Date registered valid:	21 July 2021
Proposal:	Certificate of Proposed Lawful Development for roof alterations involving hip to gable conversion
Address:	13 Cedric Road, Manchester, M8 4JE
Ward(s):	Crumpsall Ward
Applicant:	Dr Zulfiqar Ali, 13 Cedric Road, Manchester, M8 4JE
Agent (if any):	
Case officer:	Steven McCoombe Tel: 0161 234 4607 Email: steven.mccoombe@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	12 August 2021

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Notifications

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

The application site relates to a two storey, semi-detached dwellinghouse, situated at the corner of Cedric Road and Plymtree Close.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area is principally residential in character, mainly comprising two storey, semi-detached dwellinghouses along Cedric Road and bungalows to the rear, along the residential cul-de-sac of Plymtree Close.

Description of development

A certificate of proposed lawful development is sought for alteration to the roof of the dwellinghouse, involving a hip to gable conversion. The proposed roof alterations encompass a two-storey side and rear extension, approved as part of planning permission referenced 124259/FH/2019, which does not forma part of the original house and has yet to be constructed.

The proposed roof sits at a lower level to the original house and ties in with a two-storey extension which forms part of the extant permission.

Consultations & Notification Responses

None.

Planning History

There has been 1 previous application relating to this property. Details are as follows:

124259/FH/2019

Erection of two storey side and rear extension and single storey rear extension to form additional living accommodation. *Approved 9 October 2019.*

Issues

Lawfulness

The proposed hip to gable roof conversion relates to a two-storey extension which has yet to be constructed. As such, it is required that the proposal which encompasses the two-storey side and rear extension and single storey rear extension is assessed in its entirely. Since the extension itself does not constitute permitted development as prescribed by Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it follows that the hip to gable conversion which forms part of the extension cannot constitute 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: Refuse

Article 35 Declaration – Not Required

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

1) Refuse on the basis that the proposed hip to gable roof alteration, as shown on the submitted drawings referenced ZA-PP-4 and ZA-PP-06, received by the City Council as Local Planning Authority on 21 July 2021, does not constitute permitted development, as prescribed by Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is due to the following reasons:

The two storey side and rear extension and single storey rear extension subject to planning permission referenced 124259/FH/2019 has not yet been constructed.

The two storey side and rear extension and single storey rear extension, included as part of the proposal does not constitute permitted development, pursuant to Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

It is not possible to implement a hip to gable roof conversion to an extension that does not constitute permitted development in isolation and has not yet been constructed in accordance with any planning permission.

As such, the proposed works would require a separate application for planning permission.

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
Area Team Boundary - Name: NORTH1