

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131099/LE/2021

Date registered valid: 16 July 2021

Proposal: Certificate of Existing Lawful development for external roller shutters at the back of to the dwelling house

Address: 2 Peterchurch Walk, Manchester, M11 2LQ

Ward(s): Clayton & Openshaw Ward

Applicant: Mrs Daria Dorocinska 2 Peterchurch Walk, Manchester, M11 2LQ

Agent (if any):

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 6 September 2021

Application details

Type of application: Certificate Lawful Development Existing

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: No

Tree Preservation Order: No

Description of area

This application relates to an end two storey terraced (Radburn style) house located in a residential area.

Consultations & Notification Responses

N/A

Issues

The application relates to the retention of roller shutters and housing boxes to the rear ground floor patio doors and windows the property. The roller shutters are partially visible from Parkhouse Street and comprise solid white rollers shutters with projecting housing boxes to rear patio doors and windows. The roller shutters extend from the top of the respective door and window openings to ground level.

Evidence

The applicant has provided:

- i. An invoice indicating that the roller shutters were purchased on May 2017;
- ii. A second invoice confirming payment on 9 June 2017;
- iii. Contemporaneous photographs showing roller shutters in place at an unspecified date 4 years prior to the submission of the application and remaining in situ when photographed again in July 2021.

A review of Google Street view images as shown in Fig. 1, shows the rear of the property July 2017. It is understood that displayed image related to the date of its capture rather than uploading. As the roller shutters are not shown in situ after the date of the invoice, there are reasonable grounds to doubt the detail within the submitted evidence. In the absence of any other evidence, it is not considered, on the balance of probabilities, that the applicant has demonstrated that the roller shutters have been continuously in place for a period of 4 years.



Fig. 1 – Rear of 2 Peterchurch Walk – Image from July 2017



The City Council as local planning authority thereby declines to issue a certificate of existing lawful development and hereby refuses application ref: 131099/LE/2021.

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: Refuse

Article 35 Declaration

N/A

Reasons for recommendation to refuse

1) On the balance of probability, the applicant has failed to provide sufficient evidence to demonstrate that the roller shutters and related shutter boxes at ground floor level to the rear of 2 Peterchurch Walk Manchester M11 2LQ have been in situ for a continuous period of four years prior to the submission of application for a certificate of existing lawful development referenced: 131099/LE/2021 received on 16 July 2021.

Appendix 1 – List of consultees & neighbours notified

N/A

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH2