

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129813/LP/2021

Date registered valid: 23 March 2021

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

Address: 12 Orchard Road East, Manchester, M22 4ER

Ward(s): Northenden Ward

Applicant: Ms Acton and Mr Jones, 12 Orchard Road East, Manchester, M22 4ER

Agent (if any): Mr Ian Perry, Heaton Design Ltd, 153 Woodsmoor Lane, Stockport, SK3 8TH

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 14 April 2021

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: Non 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 property that is the subject of this Certificate of Lawful Development application relates to 12 Orchard Road East. It is a 2 storey, red brick and render gable fronted property. The property lies within an established residential estate in the Northenden ward of the City. The property benefits from existing off street car parking space, with garden areas to the front and rear of the property. The original property has been designed with a 2 -storey outrigger feature on the rear of the property which is the same as the other properties in the run along that side of the road.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The immediate area is predominantly residential in nature comprising of properties of a similar style and footprint to the application property. To the east is Palatine Road which is the primary road that runs through the area, this has a mix of commercial/ retail and residential uses, with the M60 motorway running beyond that.

Description of development

The Certificate of Lawful Development is for the erection of a single storey rear infill extension to create additional living accommodation in the form of an open plan kitchen and seating area. The single storey extension would be attached to the existing rear outrigger, however as it would be classed as building off an existing side wall, cannot be greater than half the width of the existing property in order for it to be considered Lawful Development. This application will assess whether the proposal can satisfy that criteria.

The maximum width of the existing property is 6.94 metres. The proposed extension would occupy just under half the width of the existing property at 3.47 metres, with the dimensions of the proposed extension being: 2.45 metre rearward projection with a maximum height to the eaves of 2.45 metres and a maximum height of 3.47 metres. The materials to be used would match those of the existing property. The design would be mono pitch, with a double-glazed panel roof. The French windows in the existing outrigger would be replaced to give bi-fold doors stretching the full width of the property. The windows in the existing side elevation of the outrigger are to be replaced with high level windows to create more usable wall space within the existing kitchen area. These do not require planning permission. There are no windows in the side elevation with number 10 Orchard Road east.

Consultations & Notification Responses

No consultations are required for this type of application.

Issues

The proposed rear extension has been assessed with referenced 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 semi-detached 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 not 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 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, and whilst the extension would be constructed off an existing side wall, it would not be greater than half the width of the original house. 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.

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

In this case, negotiations with the applicant's agent were not required as the proposed works fully complied with the relevant criteria as set out in: The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Permitted development rights Part 1: Class A Permitted development - The enlargement, improvement or other alteration of a dwellinghouse: in this case a single storey rear extension to a dwellinghouse and Class C - other alterations to the roof of a dwellinghouse.

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

1) Approved on the basis that the proposed single storey rear extension detailed on the submitted drawings stamped as received by the City Council on 23rd March 2021 and referenced:

Location Plan received 23rd March 2021

1 -Existing Floor Plans and Elevations received 23rd March 2021

4- Proposed Floor Plans and Elevations received 23rd March 2021

Forms relating to an application for a Lawful Development Certificate
Location plan with red edge

constitutes permitted development in accordance with 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 and Part 1 of Schedule 2, of Class A of the Town and Country Planning (General Permitted Development) (England) Order

2015 (as amended) providing that the materials used in any exterior work are of similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Appendix 1 – List of consultees & neighbours notified

None required for this type of application

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

Flood Zones Type 2 (low to medium risk) -

Area Team Boundary - Name: SOUTH