

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130683/LP/2021

Date registered valid: 24 May 2021

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

Address: 4 Saxfield Drive, Manchester, M23 1PY

Ward(s): Baguley Ward

Applicant: Mr Andy Parry, 4 Saxfield Drive, Manchester, M23 1PY

Agent (if any): Mr Ben Woodhead, 80 Lockyer Avenue, Burnley, BB12 6BY

Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 19 July 2021

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: None required for LP

Standard consultations:

Printed: 11 June 2021 Expired: 2 July 2021

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 is a detached mid-century dwelling house situated within a 1,017m² rectangular shaped plot on the eastern side of Saxfield Drive in the Baguley ward.

The property has a flat roof garage at the side and pitched roof conservatory at the rear. It is of red brick construction with a pitched, grey concrete tile roof and gardens to all four sides.

Listed building: Not applicable

Conservation area: ---

Tree Preservation Order: ---

Description of area

The property is near to the head of the Saxfield Drive cul-de-sac which is located west of the M56 motorway at junction 3A. Baguley Brook runs along the rear boundary and the Stockport to Altrincham railway line runs along the north of the cul-de-sac.

The area between is characterised by either detached or semi-detached mid-century residential housing on medium size garden plots.

Description of development

The application seeks the determination of the Local Planning Authority as to whether the proposal for a single storey rear extension constitutes Lawful Development under Permitted Development.

The extension, which would be erected off the rear elevation following demolition of the conservatory, measures 3.2 metres in length and 3.1 metres in height. The nearest boundary is 4 metres away to the south and the materials are to match the existing.

Consultations & Notification Responses

None for Lawful Development Certificate.

Issues

The application is assessed under The Town and Country Planning, Schedule 2, Part 1, Class A - Permitted development - The enlargement, improvement or other alteration of a dwellinghouse.

Class A sets the criteria for such development.

Class 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 M, N, P or Q of Part 3 of this Schedule (changes of use);
- (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);
- (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;
- (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;
- (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;
- (f) 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
 - (ii) exceed 4 metres in height;
- (g) 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;

In this case, the dwelling is detached, and the extension would project 3.2 metres off the original rear wall and is 3.1 metres in height to a flat roof. The nearest boundary is 4 metres away and the materials are to match the existing.

The extension would not cover more than 50% of the external curtilage.

The certificate can be granted as the proposed development would be lawful under the terms of Class A as 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

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

Approve on the basis that works detailed on the drawings numbered: 1003-(00) 03 and 1003-(00) 05 received by the City Council as Local Planning Authority on the 24th of May 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

High Speed Two (HS2) Limited

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 45M

Site of Biological Interest - Name: Blackcarr Wood & Baguley Bottoms

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)

Area Team Boundary - Name: SOUTH