

## **Planning**

## **Growth & Development**

### **Delegated officer report for planning application**

**Application no.** 130884/LP/2021

**Date registered valid:** 28 June 2021

**Proposal:** Certificate of lawful proposed development for the installation of a rear roof dormer and 3 no. roof lights to the front

**Address:** 6 College Drive, Manchester, M16 0AE

**Ward(s):** Whalley Range Ward

**Applicant:** Mr Steven Oakes, Guy Taylor Associates, 2 Chatham Road, Manchester, M16 0DR

**Agent (if any):** Mrs Amy Axon, Guy Taylor Associates, Trafalgar House, 5-7 High Lane, Manchester, M16 0DR

**Case officer:** Robert Griffin  
Tel: 0161 234 4527  
Email: [robert.griffin@manchester.gov.uk](mailto:robert.griffin@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 21.07.2021

## **Application details**

**Type of application:** Certificate Lawful Development Proposed

**Development type:** Certificates of lawfulness

**Date of site visit:** None undertaken 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**

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

### **Description of property**

The property is a two storey red brick and slate tiled semi-detached residential property with front and rear private amenity space, it is not located within a conservation area and there are no other article 4 directions in place removing permitted development rights for extensions or alterations to residential dwellinghouses.



## Description of development

The proposals relate to the determination of the City Council as local planning authority that a proposed rear dormer and installation of roof lights to the front of the property are permitted development not requiring planning permission.

A recent similar certificate was recently refused at the property as it included materials not of a similar appearance to the existing property.

## Consultations & Notification Responses

None undertaken for this type of application.

## Issues

The Town and Country Planning, Schedule 2, Part 1, Class B of the Town and Country (General Permitted Development) (England) Order 2015 as amended is the relevant section that requires satisfying with regards to the proposed rear dormer.

Class B - Permitted development - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class B.1 - Development is not permitted by Class B if:-

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;
- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
  - (i) 40 cubic metres in the case of a terrace house, or
  - (ii) 50 cubic metres in any other case;
- (e) it would consist of or include—
  - (i) the construction or provision of a verandah, balcony or raised platform, or
  - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- (f) the dwellinghouse is on article 2(3) land.; or

(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).;

or

(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Class B.2 - Development is permitted by Class B subject to the following conditions:-

(a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) Other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and

(c) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be:

(i) Obscure-glazed, and

(ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The proposed dormer is to be finished with materials that have the similar appearance to the existing roof (hanging tile) and would have a volume of approximately 34m<sup>3</sup> and be set in off the eaves by approximately 23cm. The house is not located within a conservation area, no part of the extension would be higher than the existing roof and the dormer is situated on the rear roof slope of the property, it is therefore considered that the existing loft conversion would meet the requirements of permitted development as set out in Class B of schedule 2 of the Town and Country Planning (General Permitted Development ) (England) (Order) 2015 as amended.

Class C - other alterations to the roof of a dwellinghouse

Permitted development

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

C.1 Development is not permitted by Class C 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) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

(d) it would consist of or include—

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The proposed 3 no. front rooflights are shown as not protruding more than 0.12 metres from the slope of the original roof and are therefore permitted under class C of the GDPO as amended.

### **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

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

1) Approve on the basis that the proposed rear dormer and front roof lights shown on the submitted drawings received by the City Council as Local Planning Authority on 28th June 2021, constitutes permitted development in accordance with Schedule 2, Part 1, Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## **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

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH