MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	130093/LP/2021
Date registered valid:	19 April 2021
Proposal:	Certificate of Lawful Proposed Development for the erection of single storey outbuilding in rear garden
Address:	117 Mauldeth Road West, Manchester, M20 1BB
Ward(s):	Old Moat Ward
Applicant:	Mr. Ibrahim Baban, 117, Mauldeth Road West, Manchester, M20 1BB
Agent (if any):	Mr. Niamat Ali, NA Design 47 Egerton Road South, Chorlton Cum Hardy, Manchester, M21 0YW
Case officer:	Janet Lawless Tel: 0161 234 4535 Email: janet.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	17 May 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 Proposed Development is a brick built semi- detached dwellinghouse in use as a single family dwelling. It has garden area to the front side and rear. The garden area to the rear of the property is larger than average for the properties along this stretch of Mauldeth Road West being some 36.2 metres from the rear elevation of the existing dwellinghouse. There is also a paved garden area to the front of the property that is used mainly for the off road parking of vehicles. The boundary to the frontage is privet hedging with open access for vehicles. To the rear the boundary comprises of concrete post with timber panel fencing. The bin storage would not be affected.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area
The area is predominantly residential in nature

Description of development
The application is for a Certificate of proposed lawful development for the erection of single storey outbuilding to the very bottom of the rear garden for use as ancillary living accommodation to the main dwellinghouse. It is stated that the building will be used as a study / playroom to the front half of the building with the rear of the unit being used for storage and the use of the outbuilding will be for ancillary purposes only.
The design is traditional. There are small windows that would run just under the eaves and would afford no view into or out of the unit, being for secondary lighting purposes only. There would be 2 windows and a door in the front elevation looking over the applicants' own garden.

The building incorporates a dual pitched roof with a total height of 2.5 metres. This is the maximum height permissible given that it would sit within 2 metres of a boundary. Even though the length of the building would be some 13 metres, given the larger than average size of the garden, the unit is still well under the 50% occupation of the garden area, with some 23 metres being retained. No more than 50% of the available outdoor space will be occupied.

Consultations & Notification Responses

No consultations are required for this type of application.

Issues

Lawfulness

The proposed outbuilding would meet the criteria for it to be classed as permitted development as prescribed by Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015.

Class E - buildings etc incidental to the enjoyment of a dwellinghouse
Permitted development
E. The provision within the curtilage of the dwellinghouse of—

(a)any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
(b)a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.
Development not permitted
E.1 Development is not permitted by Class E 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 total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
(c)any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
(d)the building would have more than a single storey;
(e)the height of the building, enclosure or container would exceed—
(i)4 metres in the case of a building with a dual-pitched roof,
(ii)2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
(iii)3 metres in any other case;
(f)the height of the eaves of the building would exceed 2.5 metres;
(g)the building, enclosure, pool or container would be situated within the curtilage of a listed building;
(h)it would include the construction or provision of a verandah, balcony or raised platform;

No part of the building exceeds 2.5 metres in height and the total area of ground covered by outbuilding does not exceed more than 50% of the total curtilage area.

The applicant states that the building will be used for purposes incidental to the enjoyment of the main use of the house. Namely, ancillary living accommodation in the form of a study and playroom to the front half of the unit, and storage area to the rear. There would be reliance on

the main house for cooking and bathing. To ensure this is the case, a condition has been included which restricts the outbuilding to incidental use only.

In light of the above and based on the submitted information, the proposed outbuilding could be classed as permitted development as referred to in the aforementioned legislation.

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: Approve

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

0) Approve on the basis that proposal detailed within the submitted application form and on drawings titled:
Location Plan received 19th April 2021
NA-B01- Proposed Floor Plans and Elevations received 19th April 2021
constitute permitted development as prescribed by Schedule 2, Part 1, Class E of the Town and Country (General Permitted Development) Order 2015 (as amended).

1) The outbuilding subject to the certificate of lawfulness hereby granted shall only be used for purposes incidental to the enjoyment of the main dwellinghouse at 117 Mauldeth Road West only and shall not be used as a self-contained unit or separate dwellinghouse at any time.

Reason - To prevent any over intensive use of the property and to safeguard the amenity of neighbouring residential occupiers, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Non 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) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH