

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130485/LP/2021

Date registered valid: 19 May 2021

Proposal: Certificate of Proposed Lawful Development for the erection of a dormer roof extension in between two existing pitched roofs to provide additional living accommodation

Address: 4 Levenshulme Road, Manchester, M18 7WJ

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr Michael Carroll 85 Wimbledon Road, Failsworth, M35 9LF

Agent (if any): Mr Sam Nawaz Studio OL3 Ltd. Unit 23 Broadway Business Park, Manchester, OL9 9XA

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: APPROVE

Date of recommendation: 12 July 2021

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit:

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: Gore Brook Valley Conservation Area 1994

Tree Preservation Order:

This application relates to a semi-detached property in a predominantly residential area. The property has a staggered frontage with a wider facade to the rear, which means that the property has two elements, each with their own pitched roof. The roof to the rear element is higher than the roof to the front element and there is a 'V' shaped gap between the two roof elements.

This application is for a Certificate of Proposed Lawful Development for the construction of a roof extension between these two roof elements, effectively filling this 'V' shaped gap. The extension would have a flat roof, that would be slightly lower than the height of the front roof and which would be set-in slightly from the roof edges, meaning that it would not be seen when looking directly at the front of the property.

The roof extension would have a height of approximately 2.2 metres, above the base of the 'V', and roof dimensions of approximately 4.80 metres x 4.95 metres. The roof extension would therefore have a volume of approximately 26 cubic metres. It is also indicated that there would be rooflights in the structure.

The sides of the structure would be constructed in dark grey tile cladding to match the existing roof finish.

Consultations & Notification Responses

None

Issues

A Certificate of Lawful Development that has been applied for because the applicant wishes to gain confirmation that a proposed roof extension constitutes permitted development. The proposal therefore needs to be assessed with regards to the Town and Country Planning (General Permitted Development)(England) Order 2015. This sets out the rules concerning what extensions, improvements and alterations a householder may make to their house and the area around it without the need for an application for planning permission.

Class B of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 relates to additions to the roof of a dwellinghouse

B.1 States that 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 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.

The legislation also states:

B.2 Development is permitted by Class B subject to conditions including:

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) the enlargement must be constructed so that—
 - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—
 - (aa) the eaves of the original roof are maintained or reinstated; and
 - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
 - (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse;

The indicated roof extension meets this criteria, in terms of height, volume, distance from eaves and position on the roof. Planning permission is not therefore required.

In addition, the applicant has confirmed that the roof extension would be constructed in materials to match the existing.

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

1) Approve on the basis that works detailed on drawings numbered P-01, P-02, P-03, P-04 and P-05, all stamped as received by the City Council as Local Planning Authority on 19 May 2021, constitutes permitted development in accordance with Part 1, Schedule 2, Class B 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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Gore Brook Valley Conservation Area 1994
Area Team Boundary - Name: NORTH2