

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129793/LP/2021
Date registered valid: 12 April 2021
Proposal: Certificate of lawful proposed development for the installation of rear 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 6 College Drive, Manchester, M16 0AE
Agent (if any): Mr Agustin Melero Guy Taylor Associates Trafalgar House, 5-7 High Lane, Manchester, M21 9DJ
Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Refused
Date of recommendation: 7th June 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

The site relates to a large two storey semi detached property in the Whalley Range ward area of Manchester. To the front are gable fronted bay windows with garden and access along the side. A garden lies to the rear with some soft landscaping to the front and rear.

Listed building:	Not applicable
Conservation area:	The application site is not located within a designated conservation
Tree Preservation Order:	There are no protected trees on the site.

Description of area

The area is predominantly residential in nature.

Description of development

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

Consultations & Notification Responses

Not required for this type of application.

Policy and Issues

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 B - additions etc to the roof of a dwellinghouse

Permitted development:

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development not permitted

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 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.

Conditions

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

- (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; and
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must 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.

Interpretation of Class B

B.3 For the purposes of Class B, "resulting roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4 For the purposes of paragraph B.2 (b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

Assessment

The applicant is seeking a Certificate of Proposed Lawful development for the installation of a rear dormer and 3 no. roof lights to the front.

Taking into consideration the proposed materials of the dormer stated as Timber composite board cladding and Zinc appearance metal cladding, these would not be of an appearance which is similar to the existing house and therefore would not comply with the Town and Country Planning (General Permitted Development) (England) Order 2015 SCHEDULE 2. Therefore, the proposal cannot be considered 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: Refuse

Article 35 Declaration

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

1) Refuse on the basis that the proposed rear dormer shown on drawings numbered 20-0057-20-010 Rev P1 and 20-0057-20-101 Rev P1 stamped as received by the City Council as Local Planning Authority with the application on 22nd March 2021, does not constitute permitted development in accordance with Schedule 2, Part 1, Class B - B.2.(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 in that the materials to be used are not of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

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