

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133509/LP/2022

Date registered valid: 25 April 2022

Proposal: Erection of rear dormer roof extension to form additional living accommodation and installation of two skylights on front roof plane

Address: 12 Gordon Avenue, Manchester, M19 3WG

Ward(s): Levenshulme Ward

Applicant: Christopher Thompson & Nancy Bennett 12 Gordon Avenue, Manchester, M19 3WG

Agent (if any): Tomislav Vuletic Flocc Studio Ltd 157 Harcourt Street, Stockport, SK5 6UP

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

Recommendation: APPROVE

Date of recommendation: 7 June 2022

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Notifications

Date of site visit:

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 27 April 2022 Expired: 18 May 2022

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:

Tree Preservation Order:

This application relates to a two storey mid-terraced property, with a two storey outrigger to the rear, in a long row of similar properties, in a predominantly residential area

The application is for a lawful development certificate for a proposed rear dormer extension. Two rooflights are also proposed on the front roof slope. The rear dormer would have two elements, being an 'L' shaped dormer extension to both the main roof and the outrigger roof. The dormer extension, to the outrigger, would be higher than the apex of the outrigger roof, but no part of the dormer would be higher than the apex of the main roof. The dormer would be set-in from the roof edges, and at its base, by over 20 centimetres from the eaves.

It would have a height of approximately 2.3 metres from eaves level and the main roof dormer would be approximately 2.7 metres long x 4.4 metres wide. The outrigger dormer would be approximately 3.7 metres long x 2.7 metres wide. The overall dormer extension would therefore have a volume of approximately 27 cubic metres.

The proposed roof lights would project no more than 0.15 metres from the plane of the roof slope.

Materials would be similar in appearance to the existing house .

Consultations & Notification Responses

None

Issues

The certificate of lawful development that has been applied for because the applicant wishes to gain confirmation that a proposed rear dormer extension, and two roof lights at the house, 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. Such works are known as 'permitted development'.

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 dormer extension meets this criteria, in terms of volume, distanced from eaves and position on the roof.

In addition, the applicant has confirmed that the dormer would be constructed in materials which would be similar in appearance to the existing house .
Planning permission is not therefore required for the proposed dormer.

In relation to the proposed roof lights Class C.1 states that 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 roof lights would not project more than 0.15 metres from the roof plane and meet the requirements of Class C. Planning permission is not therefore required.

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 works detailed on the following drawings constitutes permitted development in accordance with Part 1, Schedule 2, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended:

Drawings numbered TP2.2, TP3.1, TP3.2, TP3.3, TP5.1, TP5.2, TP5.3 and TP5.4, stamped as received by the City Council, as Local Planning Authority, on 13 April 2022.

Appendix 1 – List of consultees & neighbours notified

19 Stanhope Street, Manchester, M19 3WQ
8 Gordon Avenue, Manchester, M19 3WG
14 Gordon Avenue, Manchester, M19 3WG
10 Gordon Avenue, Manchester, M19 3WG
13 Stanhope Street, Manchester, M19 3WQ
17 Stanhope Street, Manchester, M19 3WQ
15 Stanhope Street, Manchester, M19 3WQ
16 Gordon Avenue, Manchester, M19 3WG

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
Area Team Boundary - Name: NORTH2