

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133551/LP/2022

Date registered valid: 19 April 2022

Proposal: Certificate of Proposed Lawful Development for roof alterations, involving a hip to gable conversion, erection of a rear roof dormer extension and installation of three rooflights to the front roof slope

Address: 70 Kingslea Road, Manchester, M20 4UA

Ward(s): Withington Ward

Applicant: Matt Wilson 70 Kingslea Road, Manchester, M20 4UA

Agent (if any): Mr Ryan Forber Plans 2 Extend The Print Centre, Johnson Street, Atherton, M46 0RB

Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 7th June 2022

Application details

Type of application:	Certificate Lawful Development Proposed
Development type:	Certificates of lawfulness
Date of site visit:	Not required
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 two storey end terraced property in the Withington ward area of Manchester.

Listed building:	Not applicable
Conservation area:	Not applicable
Tree Preservation Order:	Not applicable

Description of area

The area is predominantly residential in character.

Description of development

The Certificate of Lawful Development has been applied for as the applicant wishes to gain confirmation that a Certificate of Lawful Development for hip to gable conversion and installation of rear dormer and rooflight constitutes permitted development. The proposal therefore needs to be assessed with regards to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). 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'.

Consultations & Notification Responses

Not required

Issues

The Town and Country Planning, Schedule 2, Part 1, Class B - Permitted development - Additions etc to the roof of a dwellinghouse

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 G, M, MA, 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
- (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).

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)—

- (a) 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; and
- (b) "rear or side extension" includes an original part of, or a subsequent extension of, the dwellinghouse that extends from the rear or side of the principal part of the original dwellinghouse

The Town and Country Planning, Schedule 2, Part 1, Class C - Permitted development - Other alterations 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 G, M, MA, N, P, PA 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;
- (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
- (e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

- (a) obscure-glazed; and
- (b) 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.

Assessment

The hip to gable conversion and installation of rear dormer must be assessed under The Town and Country Planning, Schedule 2, Part 1, Class B - Permitted development - Additions etc to the roof of a dwellinghouse. As a result of the work, no part of the dwellinghouse would exceed the height of the highest part of the existing roof. No part of the dwellinghouse would extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

The cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 50 cubic metres, as the roof dormer would have a volume of 23 cubic metres and the gable would have a volume of 12 cubic metres. It would not include the construction or provision of a verandah, balcony or raised platform, or the installation, alteration or replacement of a chimney, flue or soil and vent pipe.

The property is not on article 2(3) land, nor has been built under Part 20 of this Schedule (construction of new dwellinghouses), nor the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

The hip to gable conversion and the rear dormer would be made of materials similar to those used in the construction of the exterior of the existing dwellinghouse as confirmed via email dated 7th June 2022. The rear dormer does not exceed the original ridge and is set in from the edge of the sides of the property considerably and set back from eaves. No windows are proposed on the side elevations.

The rooflights within the front elevation must be assessed under The Town and Country Planning, Schedule 2, Part 1, Class C - Permitted development - Other alterations to the roof of a dwellinghouse. The rooflights do not protrude more than 0.15 metres beyond the plane of the slope of the original roof. It would not result in the highest part of the alteration being higher than the highest part of the original roof. It does not consist of or include the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

As the proposed changes do not breach any of the above restrictions, the certificate can be granted as the proposed development would be lawful as 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: 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 the proposed hip to gable and rear dormer as shown on existing and proposed drawing P2E310122A received 19th April 2022 and email dated 7th June 2022 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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH