

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133471/LP/2022

Date registered valid: 7 April 2022

Proposal: Certificate of Lawful Proposed Development for the erection of ancillary outbuilding

Address: 3 Wilton Road, Chorlton, Manchester, M21 9GS

Ward(s): Chorlton Ward

Applicant: Mr Joey Hateley, 3 Wilton Road, Chorlton, Manchester, M21 9GS

Agent (if any): Mr Barry Bradley, Bradley Building Design Ltd, Keepers Cottage, Lyme Park, Disley, Stockport, SK12 2NS

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

Recommendation: Approve

Date of recommendation: 6th 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 application relates to a two storey semi detached property constructed of red brick and grey roof tiles. The property has private amenity space to the front in the form of a small garden with a garden to the rear. This property is not located in a conservation area. The proposal relates to the determination of the City Council as local planning authority that a proposed erection of an outbuilding in the rear garden are permitted development not requiring planning permission.

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

Certificate of Lawful Proposed Development for the erection of ancillary outbuilding

Consultations & Notification Responses

Not required

Issues

The Town and Country Planning, Schedule 2, Part 1, Class B of the Town and Country (General Permitted Development) (England) Order 2015 as amended sets out the requirements for roof extensions and erection of outbuildings. These are set out below:

Class E - buildings etc incidental to the enjoyment of a dwellinghouse
Permitted development

E. The provision within the curtilage of the dwellinghouse of—

(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 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;
- (i) it relates to a dwelling or a microwave antenna;
- (j) the capacity of the container would exceed 3,500 litres.; or
- (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

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.

To ensure the building will be used for purposes incidental to the enjoyment of the main use of the house, 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 falls within the permitted development rights 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 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) 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 3 Wilton Road, Chorlton, Manchester, M21 9GS 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.

1) Approve on the basis that the proposed outbuilding shown on the drawings numbered 1964/1/A Existing and proposed as received by the City Council as Local Planning Authority on 7th April 2022, constitutes permitted development in accordance with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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