

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 133300/LP/2022

**Date registered valid:** 23 March 2022

**Proposal:** Certificate of lawful proposed development for a Hip to gable loft conversion with rear dormer, rooflights to front elevation and associated internal alterations.

**Address:** 41 Brooklawn Drive, Manchester, M20 3GY

**Ward(s):** Didsbury East Ward

**Applicant:** Ben Mansell, 41 Brooklawn Drive, Manchester, M20 3GY

**Agent (if any):** Martin Ashworth, James Campbell Associates Ltd, Campbell House, 173 Rochdale Road, Rochdale, OL16 3BN

**Case officer:** Robert Tyrer  
Tel: 0161 234 4068  
Email: [robert.tyrer@manchester.gov.uk](mailto:robert.tyrer@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 17 May 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 site relates to a two-storey semi-detached dwelling house with a concrete tiled hipped roof. The dwelling house is predominantly brick built with bay windows at ground and first floor. The original front door was likely to have been recessed within the porch at the front of the property and has been enclosed with a patio type front door

## **Planning History**

There has been one previous planning application at this address:

Application Reference: 131966/FH/2021

Description: Erection of a single storey side and rear extension to form additional living accommodation following partial demolition of existing rear extension.

Decision: Approved: 23.12.2021



*Photograph 1 Application site as taken from case officers photographs for application reference: 131966/FH/2021*

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

### **Description of area**

The property is within a medium-density suburban estate of similar typology family housing to the east of Wilmslow Road and is west of Fog Lane Park.

### **Description of development**

The applicant is seeking a certificate of lawfulness for a proposed development for a hip to gable loft conversion with rear dormer, rooflights to front elevation and associated internal alterations.

### **Consultations & Notification Responses**

Not required

### **Issues**

The proposal involves different classes of the of the Town and Country (General Permitted Development) Order 2015 (as amended) (GPDO). Each part of the proposal will be considered as follows:

Class B– Dormer window

Class C – Rooflights

### **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 G,M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

#### **Complies [ ✓]**

b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

#### **Complies [ ✓]**

(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;

#### **Complies [ ✓]**

(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

#### **Complies [N/A]**

(ii) 50 cubic metres in any other case;

#### **Complies [ ✓] As demonstrated below:**

Hip to gable enlargement = (length x height x width) / 6

= (4.64 metre x 3.34metre x 9.54 metre) / 6

Hip to gable volume total = **24.64 metre<sup>3</sup>**

Dormer Volume = (width x length x height) / 2

= (5.52 metre x 3.57 metres x 2.47metre) / 2

= **24.33 metre<sup>3</sup>**

Total Volume = Hip to gable enlargement + Dormer Volume

= 24.64 metre<sup>3</sup> + 24.33 metre<sup>3</sup>

= **48.977 metre<sup>3</sup>**

(e) it would consist of or include—

- (i) the construction or provision of a veranda, balcony or raised platform, or
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

**Complies [ ✓ ]** A Juliet balcony is shown for the dormer however this is not considered to be a balcony as clarified within the technical guidance September 2019 which describes a balcony to be a platform with a rail, ballustrade or parapet projecting outside an upper storey of a building. A 'Juliet' balcony, where there is no platform and therefore no external access, would normally be permitted development.

(f) the dwellinghouse is on article 2(3) land.; or

**Complies [N/A] – Not located on article 2(3) land.**

(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).; or

**Complies [ ✓ ]**

(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).

**Complies [ ✓ ]**

### **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;

**Complies [ ✓ ] Email from agent (17.05.2022) confirms that materials will be of a similar appearance.**

(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

**Complies [ ✓ ]**

(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

**Complies [ ✓ ]**

(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

**Complies [ ✓ ]**

(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.

**Complies [ ✓ ] – The proposed side window is shown as being obscurely glazed and non-opening.**

## **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.

## **Class C – other alterations to the roof of a dwellinghouse**

### **Permitted development**

**C. Any other alteration 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);

**Complies [ ✓ ]**

(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;

**Complies [ ✓] The proposed front rooflight windows are shown as being flush with the plane of the roof.**

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

**Complies [ ✓]**

(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.;  
or

**Complies [ ✓]**

(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.

**Complies [ ✓] – Proposed rooflight windows relate to those on the proposed front roof slope. Proposed side window complies with Class B, provided that it is obscurely glazed as confirmed by agent on 17.05.2022 via email**

### **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 loft conversion with rear dormer and rooflights as shown on drawings 21.2461.SC6 and 21.2461.SC6.2 received by the City Council as Local Planning Authority, on the 23.03.2022 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).

## **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