MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	130091/LP/2021
Date registered valid:	19 April 2021
Proposal:	Certificate of Lawful Proposed Development for the erection of a single storey side extension
Address:	1 Gawsworth Avenue, Manchester, M20 5WU
Ward(s):	Didsbury East Ward
Applicant:	Garry & Joan Greenhalgh 1,Gawsworth Avenue, Manchester, M20 5WU
Agent (if any):	Cubik Design Ltd. 157 Harcourt Street, Stockport, SK5 6UP
Case officer:	Janet Lawless Tel: 0161 234 4535 Email: janet.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	8 June 2021

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: non 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 property that is the subject of this Certificate of Lawful Proposed Development application is a 2- storey red brick semi- detached dwellinghouse. It sits at the head of the Avenue close to its junction with Kingsway. It has garden area to the front and rear with access taken down the side of the property to the rear garden. It is located within the Didsbury East ward of the City

Number 1 sits at the head of the road, it has off road parking to the front of the property. It has previously had the benefit of a 2 storey rear extension. The boundary treatments are a combination of low brick wall and close boarded timber fencing, with established shrub planting between itself and number 3 Gawsworth Avenue.

The front of the property is a combination of grassed areas and hardstanding.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area
The remainder of the area is predominantly residential, with the Parrs Wood leisure complex to the north east of the site.

Description of development
The application is for a Certificate of Proposed Lawful Development for the erection of a single storey side extension with a hipped roof
The dimensions of the proposed extension are as follows:
width 2.25 metres
length 4.04 metres
height to eaves 3.0 metres

overall height 4.0 metres

There would be an internal door that would lead into the newly created space, which would be used as a utility room. There would be a window front and rear overlooking the applicants own garden area. The windows would be of the same horizontal proportions as those within the existing house. There are no windows proposed in the side elevation thereby eliminating any potential for overlooking of the neighbouring properties. Had there had been any windows in the side in this instance it would not have been an issue, as this elevation only looks out on to the garage of 682 Kingsway due to the relationship between the 2 properties.

Consultations & Notification Responses
No consultations are required for this type of application.

Issues

Legislation -

The Town and Country Planning (General Permitted Development) Order 2015

Class A.1 - Development is not permitted by Class A 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) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
(i) exceed 4 metres in height,
(ii) have more than a single storey, or
(iii) have a width greater than half the width of the original dwellinghouse;

Lawfulness

With reference to the relevant legislation contained within Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015, the proposed works constitute permitted development.

The proposed extension is single storey and does not project past either the rear wall or principal elevation of the existing dwellinghouse. Whilst the proposed extension is within 2 metres of a boundary, it does not exceed 3 metres in height to eaves level or 4 metres in total roof height. The extension once constructed would not have a width greater than half the width

of the original dwellinghouse. The total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage.

The applicant has confirmed that the proposed external material will be similar in appearance to the existing property.

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 polices 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

0) Approve on the basis that proposal detailed on the submitted Location Plan and drawings numbered:
TP01-Site Plan & Location Plan - Proposed
TP02-Plans - Existing
TP03-Elevations - Existing
TP04-Elevations - Existing
TP05-Plans - Proposed
TP06-Elevations - Proposed
TP07-Elevations - Proposed
All received

received by the City Council as Local Planning Authority on 19th April 2021 constitutes permitted development in accordance with Schedule 2, Part 1, Classes A of the Town and Country (General Permitted Development) Order 2015 (as amended).

Appendix 1 – List of consultees & neighbours notified

Non required for this type of application

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
Flood Zones Type 2 (low to medium risk) -

Area Team Boundary - Name: SOUTH