MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	129515/LP/2021
Date registered valid:	25 February 2021
Proposal:	Lawful Development Certificate for Proposed Garage
Address:	8 Kent Road West, Manchester, M14 5RF
Ward(s):	Rusholme Ward
Applicant:	Mr & Mrs Ather, 8 Kent Road West, Manchester, M14 5RF
Agent (if any):	Mrs Victoria Potts, B2 Architecture Limited, 2B Beech Road, WA15 9HX
Case officer:	Constance Phillips Tel: 0161 234 5792 Email: constance.phillips@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**22 April 2021**

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

Listed building: Not applicable

Conservation area: Victoria Park Conservation Area 1972

Tree Preservation Order:

The application relates to a two storey, semi-detached C3 dwellinghouse of red brick with a grey pantile hipped roof and tiled bay windows. The property features a lean-to carport to the side and a detached garage to the rear. The plot includes a front garden, driveway and rear garden.

Description of area

Kent Road West is a residential street of mixed character, located within the Victoria Park conservation area, close to Rusholme District Centre. Many properties in this section of the CA are interwar semi's with no architectural or historical importance.

Description of development

The applicant wishes to replace the small rear garage/outbuilding with a new larger detached garage, built under Permitted Development, to provide storage space and secure off-street parking for a family dwellinghouse.

Consultations & Notification Responses

None required for this type of application.

Policy

Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015:

- **Class E** – Permitted development – Buildings etc incidental to the enjoyment of a dwellinghouse.

Assessment

The existing, dated single storey outbuilding would be replaced with a larger garage, sited at the far end of the rear garden. The proposed outbuilding would measure 10m in depth and 4m in width, with a maximum height of just 2.5m, due to its siting within 2m of the boundaries shared with No's 6 and 10 Kent Road West and No's 30 and 32 Rusholme Grove. It would feature a flat roof and a garage door within the front elevation facing the dwellinghouse/road, with no windows proposed. The footprint, at around 40 square metres, would not occupy over 50% of the original curtilage of the property. Although sited within a conservation area, the site plan shows the garage at the rear and not sited between a side elevation and the boundary, nor beyond a principal elevation.

The proposal complies with the criteria set out in the General Permitted Development Order (2015) for class E, and it is not thought that the outbuilding would cause significant disamenity to the surrounding occupiers nor significant harm to the visual amenity of the area due to its siting at the rear, replacing an existing outbuilding and significantly set back from the highway, therefore the City Council considers it 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 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

Approve on the basis that the proposed outbuilding shown on the drawings numbered:

- '01' stamped as received by the City Council as Local Planning Authority on the 25th February 2021
- '02' stamped as received by the City Council as Local Planning Authority on the 24th April 2021

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

None

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Victoria Park Conservation Area 1972
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH