

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128805/LP/2020

Date registered valid: 4 December 2020

Proposal: Certificate of Proposed Lawful Development for the installation of a rear roof dormer to facilitate loft conversion

Address: 298 St Marys Road, Manchester, M40 0BD

Ward(s): Moston Ward

Applicant: Mr Paul Waltho 298 St Marys Road, Moston, Manchester, M40 0BD

Agent (if any): Mr Dave Trudgeon Conway Architectural Design 6 Conway Close, Middleton, Manchester, M24 1EW

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 11 January 2021

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Notifications

Date of site visit:

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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

The application site relates to a two storey brick built mid terraced dwellinghouse located in a predominately residential area in the Moston ward of North Manchester. The property has a small front and rear garden and an existing two storey outrigger.

Description of Development

The submitted application is for a Certificate of Proposed Lawful Development for the installation of a rear roof dormer to facilitate loft conversion. The proposed dormer is to be installed on the main roof only.

Consultations & Notification Responses

No consultations are required for this type of application.

Issues

Legislation

The Town and Country Planning, Schedule 2, Part 1, Class B of the Town and Country (General Permitted Development) (England) Order 2015 constitutes permitted development.

Class B - Permitted development - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class B.1 - Development is not permitted by Class B if:-

- (a) Any part of the dwellinghouse does not exceed the height of the highest part of the existing roof; COMPLIES
- (b) Any part of the dwellinghouse does not, 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
- (c) The cubic content of the resulting roof space does not 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 dormer dimensions: Depth - 4.6 metres Height - 2.75 metres Length - 4.8 metres = 30.36 Cubic metres

- (ii) 50 cubic metres in any other case;
- (d) 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; or
- (e) The dwellinghouse is on article 1(5) land. COMPLIES

Class B.2 - Development is permitted by Class B subject to the following conditions:-

- (a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; - COMPLIES - THE DOREMR constructed using materials (tiles) to match the original roof.
- (b) Other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and COMPLIES - The edge closest to the eaves will be 30 centimetres from the eaves of original roof
- (c) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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 - No proposed windows on side elevation

It is considered that the proposed dormer would meet the requirements of permitted development for the installation of a dormer as set out in Class B of schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 as amended.

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:

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 dormer and rooflights shown on drawings referenced: 356-01, 356-03, 356-04, 356-05, 356-06, 356-08, 356-09, 356-10 and 356-11, stamped as received by the City Council as Local Planning Authority on the 04 December 2020, constitutes permitted development in accordance with Schedule 2, Part 1, Class 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 - Not Affected
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH1